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THE RECORDS OF
THE VIRGINIA COMPANY OF
LONDON

THE COURT BOOK
VOLUME II

LIBRARY OF CONGRESS

The Records of The Virginia Company of London

THE COURT BOOK, FROM THE MANUSCRIPT
IN THE LIBRARY OF CONGRESS

EDITED

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VOLUME II

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The Virginia Company of London in America

THE FIRST BOOK FROM THE MARSHFIELD
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THE COURT BOOK

VOLUME II, 1622-1624

Records of the Virginia Company of London

AT A
||PREPARATIUE||
COURT HELD FOR VIRGINIA THE
20TH OF MAY 1622

PRESENT

Right Hono^{ble}: Lo: Cauendish¹

S ^r Edwin Sandys.	m ^r Ro: Smith.	m ^r Iadwin.
S ^r Iohn Dāuers.	m ^r Binge.	m ^r Kingstone.
S ^r Iohn Brooke.	m ^r Wilmer.	m ^r Ditchfeild.
S ^r Walter Earle.	Capt: Tucker.	m ^r Caswell.
S ^r Edward Lawly.	m ^r Addison.	m ^r Sparrowe.
m ^r Dept̃ ffarrar.	m ^r Kightley.	m ^r Wood
m ^r Gibbs.	m ^r Withers.	m ^r Geo: Smith.
m ^r Wrote.	m ^r Berblocke.	m ^r Copland.
m ^r Paulavicine.	m ^r Winne.	m ^r Widdowes.
m ^r Barnard.	m ^r Balmeford.	m ^r ffelgate.
m ^r Bromefeild.	m ^r Nich: ffarrar.	m ^r Cuffe.
m ^r Shippard.	m ^r Meuerell.	m ^r D'Lawne.
m ^r Tomlins.	m ^r Mellinge.	m ^r Barbo ^r .
m ^r Risely.	m ^r Robert ^e .	m ^r ffogge.
	m ^r ffoxton.	with diuers others.

M^r Deputy acquainted the Courte that himselfe and some others entreated by the former Court had bin at S^r Thomas Smiths before

¹ The handwriting of most of the first two hundred and fifty pages of this volume is the same as that of the latter part of the first volume. It has there been referred to as that of the fourth copyist.

the appointed Referrees concerninge Capt Martins buissines, and havinge vnderstood the matter of his charge, w^{ch} was that the Virginia Company denied him the fruition of those priuiledges, that were formerly graunted vnto him, aswell in his Patent of the Maistershippe of the Ordinance in Virginia as also in his other Patent of his private Plantation; They desired to receaue his said Charge in writinge accordinge to the direccon of the last Court, wherevnto a speedie Aunsweare should be returned with all conveniency: Wherevpon it pleased the said Co^mittee to require Capt: Martin to sett downe his greevances in writinge by waye of Peti^{ti}on vnto them, w^{ch} they by letter would reco^mend to the Virginia Company and expect their Answeare: Accordingly wherevnto it was nowe co^mended by the Referrees, w^{ch} he presented in Court, and beinge read and taken into considera^{ti}on, and likewise the peti^{ti}on exhibited by Capt Martin to his Ma^{tie} w^{ch} contayned many scandalous suggestions, aswell against the whole Company, as some speciall Members thereof: After delibera^{ti}on had therevpon, it was at length aduised and thought fitt, that in their Answ^r vnto the said Peti^{ti}on there should be a double addresse made (vizt) the one vnto his Ma^{tie}, aswell for clearinge the Company and such perticular persons as stand accused thereby, as also to informe and certifie that some of those vnto whome the Referrence is procured are suspected to be the chiefe Abettors and Supporters of Capt: Martin in this buissines. The second addresse to be to the Referrees themselues in like manner as haue bin formerly donne to Capt: Martins Certificate: Wherevpon the Court entreated the Lo: Cauendish, S^r Iohn Dãuers, S^r Iohn Brooke, S^r Walter Earle, m^r Gibbs, m^r Wrote, m^r Binge, m^r Tomlins, m^r Edw: Paulavicine, m^r Iermyn, m^r Elias ffoxton m^r Nicho: ffarrar, m^r Caswell m^r Iohn Smith and m^r Ro: Smith, to meete to morrowe at m^r Dep^t ffarrars about 2 of the Clocke in the Afternoone to drawe vpp the said Answeare, and to present the same at the Quarter Court.

2. M^r Deputy signified further that one Samuell Each Captaine of the Abigall havinge at his beinge in Virginia made Tryall of those Banck^e that lye out in Iames Riuer neare Blunts-pointe and found that a Blockehowse or fforte might be erected vpon them, w^{ch} would altogether forbidd the passage of Shipps vpp higher, made offer vnto the Com-

panie, if they would imploy his Shippe the Abigall with a reasonable convenient freight outward and homeward, he would carry a douzin Carpenters at the least, by whome the rest of his Marriners beinge supplied with convenient number of handes from the Colony and some necessaries from hence of Boat^e Cordage and Toolles he doubted not by the end of March to raise such a Blockhowse as should secure all the Riuer about it: The Counsell and Co^mittees mett diuers times about it, and havinge receaued good satisfac^on both of the Sufficiency of the man for his iudgement and honesty, and also of the probablenes of the meanes, whereby he propounded to effect it, were all of opinion [2] that the offer was not to be refused, the matter of ffortification beinge a thinge soe importunately requested by the Colony, and this perticular beinge iudged by diuers of the Planters to be that w^{ch} ~~out~~ ||ought|| first to be attempted, and most easie to be effected especially consideringe that the Demaunds of Capt Each were so ordinary and reasonable as although the worke should not be effected, yet there would arise noe damage to the Companie, but as they conceaue it rather a benifitt by the imploying so goodly and stronge a Shippe wherein the Lady Wyatt and the rest that this yeare are to goe may be exceedinge conveniently and safely transported, and the whole ~~Company~~ ||Bodye|| duringe their stay in the Riuer much strengthened: Wherefore the Co^mittees proceeded in treaty with Capt: Each and the rest of the owners, and it was agreed on by both parties in the manner followinge, reservinge the confirmacon of the bargaine to the authority of the Quarter Court.

1. That there should be 150 tun of goodes and 150 persons or proportionable of each, put and laden aboard the said Shippe: the w^{ch} number of persons and goodes were conceaued would be verie easily made vpp by priuate Aduenturers.
2. That the persons should repaye vj^{li} a head in hand and for freight of goodes iij^{li} a Tun should be paid vpon Certificate of the safe deliue^ry of them in Virginia.
3. The Owners of the Shipp desired that the Passengers might be taken in at the Isle of Wight, w^{ch} although it were somewhat more charge, yet in matter of health it wilbe doubly recompenced.

4. And that the good℥ might be deliuered them here by the middle of Iuly they promising by the first of August to be gonn from the Isle of Wight if Winde and weather serue.

5. That they would not take in any more Passengers then the Companie should put aboard them, and that duringe the whole voyage the people should haue their full allowance of victuall.

6. That after their vnladinge in Virginia the Shippe should with all convenient expediçon fall downe to Blunt-pointe, and there Capt: Each would diligently imploye himselfe his Shippe and 12 Carpenters and Marriners to the number of 40, till the end of March in case the buissines be not sooner effected for the erectinge and buildinge of a fforte or Blockehowse, and the Companie vndertaketh and promiseth to supply the said Capt: Each with such a convenient number of people and landmen as shalbe fitt, and requisite duringe the said worke; w^{ch} Land-men so sent and imployed should be maynetayned with victuall of their owne at the Collonies charge, but their lodginge should be aboard the Shippe.

And the Companies for their partes doe promise.

That if this worke be effected they will make his freight homeward 800^{li} vpon w^{ch} all good℥ Tobacco, Sassafras C^r w^{ch} shalbe laden in him shalbe accounted and onely the personall transport of men shalbe excepted: As for the rate and price of the freight, he shall not make any agreement without the consent of the Gouvernor.

And that if he performinge his best endeauoures shall not be able to effect it, by the end of March, but for the perfectinge thereof shalbe required to staye a Month or more after he shall haue paid him for euery Months staye 160^{li} by the Gouverno^r and Colony there and so pro rato, But in case it should happen there by the iudgement of the Gouvernor and Counsell of State within one Month the worke proue not feazable, then it shalbe lawfull for him to repaire home the first of Ianuary, and that the Companie shall by that time lade so much Tobacco or other good℥ aboard him as shall make in freight 800^{li} besid℥ personall freight℥.

And for somuch as for performance of this great worke, there was a matter of 200^{li} required to be disbursed in necessarie prouisions as namely in Axes Shouelle Spade and a Lighter w^{ch} come to the greatest charge beinge estimated at 50^{li} in all w^{ch} thinge there could be no losse although the works did not proceed in regard they would be of great vse to the Colony: m^r Deputy therefore moued to knowe the [3] pleasure of the Courte for procuringe the said money seeinge the Comon Stocke was longe since exhausted and the Companie already fallen into debt (whereof my Lord of Southampton hath willed them to be verie cautious and sparinge) Wherevpon, it beinge taken into consideraçon and the importancy of the worke duely waighed, and withall it beinge signified that this money would be repaide againe by the Colony who were contented to be at all the charge and would be readie to make good what Contract soeuer the Company made here with any such Vndertaker, if the Proiect did not proue feazeable; The Court herevpon thought fitt to recoñmend it to the Quarter Court to entreat some to take vpp so much money, and that it should be propounded that for his Security he should not only haue the Seale of the Companie, but also all such Comodities as came from Virginia to the Companies vse should be consigned to him vntill vpon the Sale satisfacçon were giuen for all such debt and damages whatsoeuer as any such should stand engaged for.

And forsomuch as it was informed that in the time of S^r Edwin Sandys beinge Treasurer and since there had well neare 5000^{li}: bin paid in old Debt (due in S^r Thomas Smithes time) to the great exhaustinge of the comon Treasurie: This Court thought it equall and iust that if any such debts were claymed hereafter (for w^{ch} neither the Companies Seale nor any member of the Companie stood bound to secure by consent of the Company nor did appeare by any order of Court) the parties complayninge should be sent for satisfacçon vnto such as were the Treasurer and Deputies in those times.

The Courte takinge into consideraçon the request of m^r Martin the Persian touching the double charge imposed vpon his Tobacco by the fearmoⁿ ~~for~~ in regard he was a Stranger and havinge informed

themselves of the priuiledge of their Patent, that giues them power to enfranchies Strangers and make them capeable thereby of the like imunities that themselves enioy; Haue therefore ordered that the Secretary shall repaire to the ffarmors of the Custome with a Coppie of the said Clause and that with the Court^ℓ speciall comēdaçon of m^r Martin vnto them, and to entreat their fauo^r toward^ℓ him the rather in respect of his good likinge to the Plantation whither he intend^ℓ to goe againe, w^{ch} may happily encourage other Strangers to the like resoluçon to goe ouer thither.

S^r Iohn Dāuers acquainted the Court with the good seruice that m^r Waterhouse had donne for the Companie in sollicitinge of such as stood endebted vnto them vpon their subscriptions, Amongst whome findinge some Refusers and havinge made request vnto the Lo: Keeper for his letters vnto them, as my lo: Chauncello^r had formerly promised to doe (accordinge to the Teno^r of his Ma^{ty}s Letters Patents) whereby the Companie are to praye his best assistance, of w^{ch} Clause the Lord Keeper beinge informed was desirous to see the priuiledge of their Patent in that point: w^{ch} for that it could not be deliuered without consent of a Court by reason of §th§ a late order: It was nowe therefore agreed vnto, that m^r Waterhouse should haue the Patent to attend his Lo^p therewith and to bringe it backe againe.

It was further also moued that m^r Waterhous Account^ℓ might be audited and consideraçon had of the great paynes he had taken about this buissines, w^{ch} the Court hath referred to the Auditors who are to make reporte.

A request was likewise made in the behalfe of the Lady Dale who for that her people in Virginia doe not performe couenant^ℓ with her accordinge to their Contract^ℓ, but wronge her much in the proffitt^ℓ of her land due vnto her, for w^{ch} cause shee is nowe sendinge ouer a Servant to require it of them, shee therefore desires the Companies Letter of Comendaçon to the Gouvernor of Virginia to assist her said Servant in the reconery of her said debt^ℓ, w^{ch} the Court hath promised shalbe made ready for her La^{pp}. [4]

The Lo: President makinge request vnto the Company by Letter in the behalfe of a kinsman of his nowe goeing to Virginia, that he may be directed in the best courses, and be respected the rather for his sake, The Courte hath promised to affoord him what fauoure they may and therevpon gaue order for a Letter to be writt to the Gouvernor to that effect.

Vpon the moõon of some of Martins Hundred that the bounde of their Plantation (where they are nowe seated might be extended so farr either waye as might contayne the full proporcion of all the first diuision together; It is ordered it shalbe comended by letter to the Gouvernor to certifie what may conveniently be donn therein.

Order was giuen for drawinge vpp of two Patentẽ nowe moued in Court; The one for S^r Iohn Brooke and his Associatẽ and the other to m^r ffancis Harwell m^r Sheldon and others C^r.

And for somuch as there were divers Patents to passe at this next Quarter Court w^{ch} would require much time to examine; It was therefore agreed and ordered that the Quarter Court shall begin in the fforenoon vpon Wedensday for the dispatch of them and some other cursary buissinesses.

M^r Gibbs Treasurer for the maydẽ sent this last Suñer to Virginia havinge had his Accountẽ audited did nowe present them to the veiwe of the Court, w^{ch} gaue the Companie great contentment: Wherevpon a moõon was made that the Aduenturers in the said Roll might haue a ratable proporcion of land laid out together w^{ch} was due vnto them for transportinge of the said Maydẽ w^{ch} they desired might be called Mayds Towne: W^{ch} the Court hath referred to the consideraõon of this next Quarter Court.

M^r Nicholas ffarrar beinge appointed Treasurer for the ffurr and Glasse buissines, havinge audited the said Accountẽ did nowe present vnto y^e Company faire booke of them to lye in open Courte: W^{ch} the whole Court did verie well approue of, and wished the like care had bin taken in times past; And that these might be a President to all

other Accountant^e hereafter, for clearinge their Accounts, with so much content and satisfac^on to the seuerall Aduenturors and the whole Companie.

M^r Howe the Cronieler makinge a request for 12^{li} of Tobacco, w^{ch} he pretends was promised him yearly in considera^on of his paines and willingenes to doe the Companie service in his Booke relatinge [to] the Passages concerninge Virginia, The Court was pleased to graunt his request for this yeare, givinge order that somuch should be deliuered him of the Companies Tobacco w^{ch} he thankfully accepted of.

M^r Sparrowe mouinge for the Shares of land due vnto him, aswell for the Aduenture of 50^{li} paid into the Companies Treasury for w^{ch} he had Bills to showe, As also for his 37^{li}—10^s w^{ch} he paid as he saith for his Capeablenes, and likewise for the transporte of three Servant^e w^{ch} he sent to Virginia at his owne charge: It is ordered that vpon proufe made of the premisses it shalbe allowed and assigned vnto him vnder the attest of the Secretaries hand.

Whereas heretofore a generall order was made in the printed Publication that whosoeuer did put in 12^{li} 10^s Aduenture into the Lottary and would waue his prizes should haue a share of land in Virginia in leiuie thereof, m^r Ditchfeild moued that forsomuch as a frend of his had performed that accordinge to the [5] said order that therefore he might take the benifitt thereof in land as was intended; The Court ordered that if vpon proufe appearinge his request should be graunted but generally they could not extend that fauoure vntill the Lottery Account^e were cleared.

Pharao Flinton a Surgion peti^oninge for restoringe the land giuen him by S^r George Yeardley then Gouvernor as he saith in reward of his service w^{ch} he pretendeth to be since taken awaye by Roger Smith for the Companies vse, beinge cleared ground, or that in recompence thereof, he might haue somuch cleared ground elsewhere; It is ordered that it shalbe comended to the Gouvernor for to examine the trueth of this his informa^on and accordingly to doe him iustice.

These shares of land passed the allowance of the
Auditors and approbation of this Court (vizt)

The younge Lo: Lawarre and the Lady Lawarre his mother, she as Executrix of the last will and testament of the Lord Lawarre deceased assigneth ouer five shares of land in Virginia of the personall Shares vnto m^r Iohn Parkhurst Cittizen and Grocer of London.

S^r Hen: Maynwaringe Knight assineth ouer two shares beinge parcell of the five passed vnto him from the right Hono^{ble} the Ea: of Dorsett vnto his Brother m^r Thomas Maynwaringe of the Inn⁹ Temple London esquire.

S^r Sam: Sandys knight standinge cleare and not indebted doth assigne one share of land to his Sonne S^r Edwin Sandys knight the younger.

M^r William ffelgate Cittizen and Skinner of London assigneth ouer one share vnto Toby ffelgate of Ratcliffe Marriner his brother.

M^r Phillipp Iacobson of London marchant assigneth ouer one share of land in Virginia vnto his younger Brother m^r Iames Iacobson of London marchant.

francis Carter passeth ouer one share of land vnto ||m^r|| Thomas Addison of Lincolnes Inn in the Countie of Middlesex, esquire beinge parcell of the later forty shares assigned vnto him by the right Hono^{ble} the Lady Lawarr.

M^r Deputy puttinge the Court in remembrance of the elec^{cion} of their Officers vpon the next Wedensday namely the Treasurer Deputy Auditors Co^mmittees and other Officers w^{ch} matter he doubted not but they would take into their serious considera^{cion}: It was generally answered by the Company that they hoped they should humblie entreat the Lo: of Southampton once more to vouchsafe to hold the place of Treasurer this third yeare vnder whome God had so much blessed the buisnesses to their great and generall loye and comfort. [6]

A GENERALL QUARTER COURT HELD FOR
VIRGINIA IN THE FORENOONE THE 22TH OF MAY
1622

S ^r Edwin Sandis.	m ^r Nich: ffarrar.	Capt: Bargraue.
S ^r Io: Dāuers.	m ^r Iohn Smith.	m ^r Caswell.
S ^r Io: Brooke.	Capt: Tucker.	m ^r Roberts.
m ^r Deputy ffarrar.	m ^r Ro: Smith.	m ^r Iadwin.
m ^r Gibbs.	m ^r Winne.	Capt: Binge.
m ^r Wrote.	m ^r Steward.	m ^r Cuffe.
m ^r Tho: Bulkly.	m ^r Meuerell.	m ^r Mellinge.
		with diuers others.

M^r Deputy signified that the Co^mittee appointed by the former Court having accordingly mett and taken into considera^on the matters referred vnto them touchinge Capt: Martyns peti^on exhibited to his Ma^{tie} against the Virginia Company and beinge directed to make a double Answere therevnto, the one vnto his Ma^{tie} for clearinge the Companie and some perticular persons that stand accused by his said peti^on, and to certifie that some of the Referrees named therein are suspected to haue bin the cheife Abettors of Capt Martin in this buisines: And the second Adresse to be vnto the Referrees themselues as was required: Accordingly herevnto the said Co^mittee had drawne vp a shorte peti^on w^{ch} beinge presented in Court and twice deliberately read was well approued of and beinge put to the question was ordered to be engrossed and that a Declara^on of this yeares Supplie should be therevnto annexed: There was also another draft read containinge more ample declara^on of the perticular passage of this buisines, w^{ch} was thought fitt to be referred to a Co^mittee to be appointed by the Afternoones Court to take it into considera^on and out of it to drawe what they shall conceaue fitt to informe the Referrees.

Report was nowe made of the State of the Lord of Southamptons Account^t for this last yeare past w^{ch} havinge bin examined and

approved of by the Auditors were now presented in Courte whereby it appeared that his Lo^m receipt^e consistinge of these fower heades, namely by Lottery^es, adventures, transporta^on and freight and by the Magazine came to 6756^{li} 2^s 3^d¹. And that his disbursement^e (as might also appeare by the perticulars) did fully ballance the other Some, W^{ch} Account^e accordinge to the orders of the Company are to lye open in Court till the next Quarter Court.

And touchinge the State of the Cash (after report made what great Somes of money had bin issued out for payment of auld Debt^e in S^r Thomas Smithes time,) The Auditors declared that whereas there was graunted fower generall warrant^e for payment of moneyes to m^r Deputy and the Co^mittees for w^{ch} m^r Deputy is to account; accordingly he had exhibited his said account^e to be audited but by reason of the shortnes of the time and the greatnes of their owne affaires the Auditors could not attend to audite them, but desired it might be respited till the next Quarter Court, w^{ch} was graunted.

But forasmuch as it appeared by m^r Cuffe the Bookeeper his Account^e, that m^r Deputy is engaged in the Some of 1400^{li} more then he had receaved, It was now thought fitt and ordered that he should be secured vnder the Companies Seale according to the writinge w^{ch} was now presented by the Auditors: W^{ch} beinge read was well approved of and the Seale ordered to be therevnto affixed.

Whereas Divers matters of Accounts, depend between Captaine Argall and the Company, It was moued and thought fitt that this Quarter Court, should thinke on some course to call him to account w^{ch} if he shall refuse to doe then to proceed in a legall course against him. [7]

There were nominated for Counsellor^s to be chosen this Quarter Court namely

Lo: Bishop: of London.
m^r Binge.
m^r Iermyn.
m^r Bernard.

¹In the margin is written against this sum "vijl 8."

There was also propounded to be made free of the Company vizt

Deane of Paules.
 Do^r Sunnybanke.
 m^r Leach.
 m^r Purcas.
 m^r Dampport.
 m^r W^m Clarke.
 m^r Tho: Barwicke.
 m^r Whitson Alderm: of Bristoll.

Whereas m^r Cuffe hath kept the Companies bookℓ and Cash these 2 yeares It was thought fitt he should haue 40^{li} a yeare for the 2 yeares past onely. And vpon his longer continuance and further paines in that buissines consideraçon should be had thereof.

The seuerall Patentℓ appointed to be made readie against this morn- ingℓ Court were read and examined and beinge found agreeable to the lawes of the Company were put to the question and comended to the Afternoones Court for further confirmaçon, The Patentℓ were these vizt

To S ^r Io: Brooke a ^{ts} Cobham	} Aduenturers.
To m ^r Tho: Bulkely	
To m ^r ffran: Harwell	
To m ^r Edm: Winne	
To Capt. Dan. Tucker	
To S ^r Bowyer Worsly ¹	} Planters
To m ^r Robt. Moston	
To: Capt: Hen: Pelham	

Also priuate Patents for shares giuen by the Quarter Court vizt.

To m^r Io: Bonnell.²
 To Capt: Sam: Each.
 To m^r Iames Balmford.

¹This patent is mentioned in List of Records, No. 324, page 166, *ante*.

²This patent is mentioned in List of Records, No. 325, page 166, *ante*.

It is also agreed and ordered that those thinge that haue bin proposed nowe and in the Praparatiue Court be first ordered in the Afternoone before the eleccon of Officers.

M^r Do^r Turner presented a Bill of Aduenture of 25^{li} vnder the Companies Seale and signed by m^r Atkinson, whereof but 12^{li} 10^s is acknowledged in the printed booke, the rest to be charged vpon S^r Thomas Smith. [8]

AT A GREAT AND GENERALL
QUARTER COURT HELD FOR VIRGINIA
IN THE AFTERNOONE THE 22 OF MAY
1622

PRESENT

Right Hono^{ble}: Lo: Cauendish.
Lo: Padgett.
Lo: Haughton.

S ^r Edw: Sackuill.	S ^r ffrancis Goodwin.
S ^r ffra: Ley.	S ^r ffran: Egiocke.
S ^r Io: Merricke.	S ^r Io: Brooke.
S ^r Edwin Sandys.	S ^r Tho: Wroth.
S ^r Phil: Carey.	S ^r Walt: Earle.
S ^r Sam: Sandys.	S ^r Edw: Lawley.
S ^r Io: Dauers.	

m ^r Io: ffarrar Dep ^t .	m ^r Langley.	m ^r Groce.
m ^r Gibbs.	m ^r Geo: Mole.	m ^r Elkin.
m ^r Henry Rainsford.	m ^r ffoxton.	m ^r Cranmer.
m ^r Io. Zouch.	m ^r Rugles.	m ^r Rich: Lambe.
m ^r Ald: Hamersly.	m ^r W ^m Iohnson.	m ^r Lawrence.
m ^r Wrote.	m ^r Withers.	m ^r Baron.

m ^r Nich: Hide.	m ^r Morden.	m ^r Iadwin.
m ^r Christ: Earle.	m ^r Nich: ffarrar.	m ^r Widdowes.
m ^r Geo: Wilmer.	m ^r Ro: Bateman.	m ^r Eldred.
m ^r Bromefeild.	m ^r Leate.	m ^r Russell.
m ^r Risly.	m ^r Binge.	m ^r Martin.
m ^r Steward.	m ^r Bland.	m ^r Harrison.
Do ^r Linsey.	m ^r Bull.	m ^r Mellinge.
Do ^r Gulstone.	m ^r Barkham.	m ^r Geo: Smith.
Do ^r Anthony.	m ^r Caninge.	m ^r Hackett.
Do ^r Turner.	m ^r D'Lawne.	m ^r ffran: Waterhouse.
m ^r Rob: Bell.	m ^r Caswell.	m ^r Truloue.
m ^r Ro: Smith.	m ^r Berblocke.	m ^r Price.
m ^r Io: Smith.	m ^r Barnard.	m ^r Challon ^r .
m ^r Kightley.	m ^r Geo: Scott.	m ^r Newport.
m ^r Tomlins.	m ^r Ditchfeild.	m ^r Robert ^l .
Capt: Bargaue.	m ^r Palmer.	m ^r Woodall.
Capt: Tucker.	m ^r Tho: Wiseman.	m ^r Hickford.
Capt: Gifford.	m ^r Rich: Wiseman.	m ^r Steward.
m ^r Rogers.	m ^r Edward ^l .	m ^r Meuerell.
m ^r Paulauacine.	m ^r Bennett.	m ^r Colethurst.
m ^r Io: Porter.	m ^r ffelgate.	m ^r Stubbs.
m ^r Edw: Gibbs.	m ^r Kirrell.	m ^r Browne.
m ^r Chettell.	m ^r Swayne.	m ^r Nicholls.
m ^r Wheat.	m ^r Io: Lambe.	m ^r Tho: Carter.
m ^r Tho: Gibbs.	m ^r Boothby.	m ^r Tho Waterhowse.
m ^r Tho: Shippard.	m ^r Swinhow.	m ^r Gold.
		m ^r Barber.
		m ^r Sparrowe.
		with diuers others.

The former ||Q^r|| Court beinge read forsomuch as it was ordered by this morning^l Quarter Court, that such matters as had bin nowe and likewise in the Præparatiue Court proposed and referred to the confirmacon of this Afternoones great and generall Assembly should first be ordered:

Accordingly m^r Deputy first proposed the Contract made by the Co^m-ittee with Samuell Each Captaine of the Abigall touchinge the buildinge of a Blockhowse neare Blunt-pointe in Iames Riuer in Virginia In w^{ch} place (beinge formerly veiued by him) he hopeth to effect the same ffor performance [9] whereof his demaund^e also were so reasonable, as although the worke should not proue feazeable, yet there would arise no damage to the Company but rather a benifitt by the imployment of so stronge a Shippe for the safe transporte of their people this present yeare as also the whole Colony would be much secured duringe her stay there: The w^{ch} bargaine and Contract was by the Court conceaued to be verie reasonable, and beinge put to the question by a generall consent was ratified and confirmed.

And further whereas for the performance of this great worke there was a matter of 200^{li} to be disbursed in necessarie prouisions as namely in Hatchettes Axes Shouell^e Spad^e and a stronge lighter (w^{ch} came to the greatest charge beinge estimated at 50^{li}) In all w^{ch} thing^e they beinge of so great vse vnto the Colony, there would be noe losse at all, although this worke proceeded not, and beside this 200^{li} beinge onely to aduance the buissines and to be repaide againe by the Colony who are contented to be at all the charge vpon the vndertakinge of so important a worke vnto them for these respect^e, the Court hath entreated m^r Iohn ffarrar to take vp so much money and for his Security, it is ordered that he shall not onely haue the Companies Seale for repayment, but also such good^e and comodities as shall come from Virginia to the Companies vse shalbe consigned vnto him vntill vpon the sale he receaue full satisfac^on.

And forasmuch as it appeared by the Bookekeepers Accounts that m^r Iohn ffarrar stand engaged in diuers great So^mes of money vpon the Companies buissines to the value of 1400^{li} for w^{ch} it was thought fitt by the morning^e Court he should be secured vnder the Companies Seale accordinge to a writinge then presented by the Auditors, the same was nowe againe read and beinge put to the question was ratified confirmed and ordered to be sealed The Coppie whereof dothe here ensue.

By a greate and Generall Quarter Courte held for Virginia
the 22 day of May 1622

Whereas¹ itt appeared to y^e Audito^{rs} by y^e testimoney and Accompts of Iohn Cuffe Bookeeper, y^t m^r Iohn fferrar Deputy hath by warrant from the Co^mittees for the vrgent and necessary occasion^e of the Company for Virginia Disbursed to the Su^me of Six Hundred, Sixty and Nine pounds And further that vppon the Voyadges and buisines ordered, & vndertaken by y^e generall Consent of the Company this last yeare, the Company remayneth in Debt to the value of ffowerteen Hundred pounds.

And wheras for the sattisfac^on and discharge of y^e said engagements, Itt was by a generall Court held the eight of May 1622. Ordered y^t the Tobacc^o lately sent from Virginia belonging to the Colledge and generall Company, should be sould by certaine Co^mittees & the Proceed therof be wholly delivered vnto m^r Iohn fferrar; The said Order is by this great and generall Quarter Court Confirmed and ratified, and because y^t y^e said Tobacc^o is not likely to discharge butt a little of y^e said Debts; Itt is now further ordered y^t what soever as well by y^t Tobacc^o y^t is now com home as y^t w^{ch} hereafter is to come, y^t shall proue due vnto y^e generall Company vppon their Adventure of 800^{li}: in y^e great Magazine, shall by the Treasuror of y^t Magazine from time, to time, be paid ouer vnto y^e saide Iohn fferrar, and that the Acquittance and release of y^e said Iohn fferrar, shalbe a sufficient discharge vnto y^e said Treasuro^r; And further fo^r y^e full securitie, and sattisfac^on of y^e said Iohn fferrar, Itt is ordered that itt shalbe lawfull for y^e said Iohn fferrar to receaue all such monneys & Debts as are due vnto y^e Company & hee can pcure and gett in, vntill such time as hee be fully sattisfied discharged and secured, from y^e Debts and engagements w^{ch} hee hath duely, and for ye Companies buisines vndertaken together wth all y^e Interest^e and damages y^t shall arise thervppon. And itt is Ordered & agreed y^t y^e Acquittances & releases of y^e said Iohn fferrar shalbe a sufficient discharge vnto such as shall pay him monneys soe long as hee shall approue vnto y^e Audito^{rs} of y^e Company that

¹ The heading and initial word of this document are in the autograph of Nicholas Ferrar. From this point in the manuscript the handwriting is that of Nicholas Ferrar's assistant, referred to as Thomas Collett.

theris mony iustly due vnto him, and in confirmacon of y^e promisses y^e Company haue caused their Legall Seall hervnto to be affixed. [10]

The shares passed in the Præparatiue Court beinge allowed by the Auditors were nowe againe read and seuerally put to the question and confirmed (vizt)

The younge Lord Lawarrs mother as Executrix of the last will and testament of the Lord Lawarr deceased assigned ouer fve Shares of land in Virginia of the personall Shares vnto m^r Iohn Parkhurst Citizen and Grocer of London.

S^r Henry Manwaringe Knight assigned ouer two shares beinge parcell of the shares passed vnto him from the Right Hono^{ble} the Ea: of Dorset vnto his Brother m^r Thomas Manwaringe of the Inner Temple London Esquire.

S^r Samuell Sandys standinge cleare and not indebted assigned one share of land to his Sonne S^r Edwin Sandys knight the younger.

~~William~~ §M^r§ ffelgate Cittizen and Skinner of London assigned ouer one share vnto Toby ffelgate of Ratcliffe Marriner his Brother.

M^r Phillip: Iacobson of London Marchant assigned ouer one share of land in Virginia vnto his younger Brother m^r Iames Iacobson of London Marchant.

ffrauncis Carter passed ouer one share of land vnto m^r Tho: Addison of Lincolnes Inn in the Countie of Middlesex Esquire beinge parcell of the later 40 shares assigned vnto him by the right Hono^{ble} the Lady Lawarr.

The Share likewise w^{ch} m^r Roberts passed to his Sonne Elias in the morninge was nowe confirmed.

M^r Roberts presented vnto the Court an East India box or Standish w^{ch} he gaue as a testimony of his loue and respect to this Hono^{ble}: Company.

The reward of 40^{li} a yeare for the two yeares past graunted by the morninge Court to m^r Cuffe for his great labo^r and paynes in keepinge the Companies booke and Cash duringe the said time beinge nowe put to the question was confirmed and ratified.

Certaine gentlemen ||that|| were nominated and chosen by the morninge Court to be of his Ma^{ties} Counsell for Virginia were nowe againe read, and seuerally put to the question and confirmed vizt:

The Lo: B^p of London.

m^r Binge.

m^r Iermyn.

m^r Bernard y^e elect Gouvernor of the Summer Ilands.

There was also then proposed and admitted to be free Brothers of the Company these followinge

Deane of Paules.

Do^r Sunnybanke.

m^r Leech.

m^r Purcas.

m^r Dampport.

m^r Whitson Alder. of Bristoll.

Capt: Tho: Barwicke.

m^r W^m Clarke.

who beinge seuerally put to the question were confirmed. [11]

The Aduenturors for the Maides sent the last Sommer, hauinge moued for a ratable proporcion of land to their Aduenture to be laid out together, where they intend to build a Towne w^{ch} they desire may be called by the name of Maydes Towne. The Court hath graunted their request and approued of the name they haue giuen therevnto.

The Committee appointed ~~by~~ the ||last|| Preparatiue Court havinge drawne vpp a short petiçon in the name of the Companie to be preferred vnto his Ma^{ties} in Answere of Capt: Martins formerly exhibited w^{ch} beinge read and approued by the morninge Court was nowe againe taken into consideraçon and being twice read was approued by this great Court And the Lord Cauendish Lo: Padgett Lo: Haughton were humblie entreated to present the same vnto his Ma^{ties} with all conveniency w^{ch} they were pleased to vndertake.

The Court did likewise entreat S^r Edward Sackuill and m^r Wrote to acquainte the Referrees namely the Ea: of Leicester and Lo: Carewe with the proceedinge of the Company touchinge Capt: Martin and the iust exceptions they had taken against his exorbitant Patent.

The¹ Lo: of Southamptons Accounte for the yeare past were brought into the Court, havinge been presented to the morninge Court and the State thereof declared by the Auditors (by whome they haue been examined and approued) they are therefor nowe appointed to lye in open Court between this and the next Quarter Court accordinge to the orders of the Companie.

fforasmuch as Captaine Argall hath hetherto giuen no satisfacōn to the Companie for the great losses they haue susteyned by his misimploying their Tenantē, Corne, Cattle and other yearely proffittē in the time of his Gouverment to his owne private endē and gayne (to the great preiudice and almost ouerthrowe of the publike Stocke and State of the Colony) for w^{ch} beinge questioned heretofore, he hath as yet giuen noe satisfactory Answeare: It is therefore nowe agreed and ordered, that he shalbe warned to exhibite his Accounte and required to make a reall Answeare to what the Company can iustly charge him withall and to this end the Court hath earnestly entreated

S ^r Io: Dāuers.	m ^r Io Smith.
m ^r Gibbs.	m ^r Tomlins.
m ^r Binge.	m ^r Kightley.
m ^r Wrote.	m ^r Meuerell.
m ^r Nich: ffarrar.	m ^r Mellinge.
m ^r Ro: Smith.	

or any three of them to meet at m^r ffarrars howse the Saturday morninge followinge.

Vpon moōn in regard the Afternoone was farr spent, it was by a generall consent agreed vnto that the Court should be continued after 6 of the Clocke till all buisnesses were ordered.

¹ Written over "My" by the copyist.

Immediately after these buisnesses ||things|| were thus ordered, as the Court were proceedinge after their accustomed manner to the eleccon of their Treasurer Deputy and other Officers for this present yeare accordinge to the direccon of his Ma^{ty} Letters Patent, m^r Alderman Hamersly rose vpp and havinge first excused his seldome cominge to Court by reason of the Officers negligent [12] warninge of him, he said That himselfe and m^r Bell were both comaunded by m^r Secretary Caluert to deliuer a Message in his Ma^{ty} name vnto this Court, namely to signifie, that although it was not his Ma^{ty} desire to infringe their liberty of free eleccon yet it would be pleasing vnto him, if they made choise for Treasurer and Deputy any of those gentlemen (comended for their Sufficiency), whose names were menconed in the paper nowe presented in open Court w^{ch} were these that followe vizt

ffor Treasurer were named	{	S ^r Io: Wolstenholme.	}
		S ^r W ^m Russell.	
		m ^r Cletherow.	
		m ^r Mawrice Abbott.	
		m ^r Hamford.	}
ffor Deputy	{	m ^r Leat.	}
		m ^r Ro: Oftly.	
		m ^r Stiles.	
		m ^r Abdy.	
		m ^r Bateman.	}

M^r Bell beinge also entreated to deliuer the Message he had receaved from m^r Secretary Caluert said, that he was not present when m^r Secretary Caluert imparted this Message to m^r Alderman Hamersley but that there came a Messenger to him ouer night to require him to attend m^r Secretary Caluert at his Chamber and beinge there m^r Secretary told him, that his Ma^{ty} commaunded him to signifie his pleasure that out of his good wishes (for the good of the Company and the Plantation) he had recomended to this Court certaine Gentlemen (named in the paper nowe presented) if the Company so thought good: But it was not his meaning to infringe the liberty of their free cho[ise]; And beinge desirous to have had ~~this~~ ||his|| Message in writinge m^r Secretary said it needed not for it was but short.

Both w^{ch} Messages agreeinge in substance, and beinge a full remonstrance of his Ma^{tie} well wishinge vnto the Plantation and of his gracious meaninge not to infringe the priuiledge of the Companie and liberty of their free eleccon was receaued with great ioye and contentment of the whole Court and therevpon proceedinge to the eleccon of their Treasurer for w^{ch} onely three by the orders of the Company could stand ~~for it~~. It was generally agreed that out of the five formerly proposed by his Ma^{tie} for Treasurer, choise should be made of two of them, to stand in eleccon with one that the Companie should name: Wherevpon the former five beinge seuerally put to the question, It appeared by ereccon of most hande that m^r Clethero and m^r Hanford were to stand for it: Then the Companie named ||the¹|| Lord of Southampton who beinge all three accordingly ballated, the place fell to ||the¹|| Lord of Southampton by havinge 117 balls, m^r Clethero 13 and m^r Hamfort 7.

In like manner out of the five formerly named by his Ma^{tie} for Deputy, by ereccon of most hande m^r Leat and m^r Bateman were to stand for it, vnto whome the Companie havinge added m^r Nicholas ffarrar, they were all three put to the Ballatinge Boxe, and therevpon choise was made of m^r Nicholas ffarrar by havinge 103, m^r Bateman 10: and m^r Leate 5.

Wherevpon m^r Deputy ||tooke³|| his place, ||and|| gaue vnto the Court humble thankes for their loue and hono^{ble} testimony, w^{ch} by electing him to that place, they had giuen him: wherein he professed he should all his life longe exceedingly glory and reioyce, if he could but thinke himselfe worthie thereof: But knowinge well the waightines of the place and his owne great inhabilities, he could not without feare and tremblinge accept thereof: But since he knewe they would not vpon [13] any entreaties of his, alter their choise he humbly submitted himselfe, promising not to faile to the vttermost of his power to performe the charge they had laide vpon him, Humble beseechinge the Hono^{ble} Lords and the worthie Officers with their Counsell to direct him and the whole Court in generall with their

¹ Written over the word "my."

³ Changed from the word "takinge."

presence to assist him for the well performinge of the Office they had imposed vpon him, and in perticular besought them to request his Brother m^r Iohn ffarrar (in confidence of whose assistance, he well knewe they had made choise of him) to continue the selfe same care and paynes as he had formerly donn without w^{ch} he could not hope to performe his place as he ought: Wherevpon m^r Iohn ffarrar made promise not to slacke any thinge of that zealous and diligent care ||wth|| w^{ch} himself had performed that office.

Next the Court proceeded to the elec^con of the Auditors confirminge six of those of the last yeare namely

S ^r Edwin Sandis.	m ^r Gibbs.
S ^r Io Dāuers.	m ^r Io ffarrar.
m ^r Io: Wroth.	m ^r Kightley.

and in respect m^r Cranmer had remoued his dwellinge from London whereby he could not attend the buissines m^r Bennett was chosen in his place who were all sworne.

After this the Court proceeded to the elec^con of the Co^mittees, w^{ch} was performed accordinge to the standinge order of the Companie w^{ch} doth appointe one fourth parte to be newe elected and the rest by erec^con of hande to be confirmed (vizt) of the last yeare were confirmed.

m ^r Berblocke.	m ^r Geo: Smith.	m ^r Boothby.
m ^r Bull.	m ^r Wiseman.	m ^r Bennett.
m ^r Caswell.	m ^r Darnelly.	m ^r Biddolph.
m ^r Bland.	m ^r Mellinge.	m ^r Couell.

vnto whome were nowe added.

m^r Meuerell.
 m^r Barbo^r.
 m^r Wheatly.
 m^r Seaward.

who did all of them take their oath.

Edward Collingwood Sēcre	} were confirmed in their former places and tooke their oath.
William Webbe Husband	
Francis Carter Beadle	

Itt was moued to bestowe on m^r Iohn Farrar the late Deputy some proporcion of land, as a Testimony^{all} of the Companies thankfull acknowledgm^t and approbacon of the ~~generall~~ ||greate and|| faithfull service performed by him in the place of Deputy the three last yeares, and accordingly it beinge put to the question there were giuen vnto him 20 shares of old Aduenture: And it was further ordered that together with the Guift it selfe it should be entred in the Court booke, that the Court conceaued his merritt^e so great, as if their greater liberality had not by their lawe bin bounded within the compasse of 20 shares, they would for him haue exceeded it with farr larger proporcion. [14]

Itt beinge moued that there might be some presentacon of the Companies humble thankfullnes vnto his Ma^{tie} in respect of the graceous Message formerly deliuered after some deliberacon had therevponn the Court conceaued it fitt to be sett downe in these words (vizt)

That the Lord Cauendish the Lo: Padgett the Lo: Haughton are humbly requested by the Court to present their most humble thank^e to his Ma^{tie} for his graceous remembrance and good wishes to their affaires out of w^{ch} he was graceously pleased to recomend certaine persons for Treasurer and Deputy if they so thought fitt, but without any infringement of their liberty of free eleccon; And they were further humbly requested to signify and testifie vnto his Ma^{tie} the great respect and reverence wherewith his message was receaued and howe in conformity therevnto, although they had formerly accordinge to their custome in their Præparatiue Court nominated the Ea: of Southampton for Treasurer, yet out of the persons reco^mended by his Ma^{tie} they choose fower who had most voices and put them in eleccon with two nominated by the Company vpon whome the places were conferred by an vnanimous consent of the Company, havinge founde the Plantation to prosper euery of these three last yeares, more then in ten before, and found more to haue bin donn with Ten thousand pounds, then formerly with fower score thousand: And they

conceaued also that in regard the Staple Commodities of Iron, Silke, Wyne, Salt, C^r are nowe in establishinge and perfectinge: As also that the Gouverment of that Country is to be confirmed, that equall sufficiency for direcōn would not so much aduance the Plantacon, as the variablenes of Instrucōns proceedinge from different conceptions would preiudice the buissines.

The seuerall Patent[℥] examined and approued of in the forenoone were nowe put to the question and ordered to be sealed vizt.

To S ^r Io: Brooke a ^l s Cobham	}	Aduenturers
To m ^r Tho: Bulkly		
To m ^r ffran: Harwell		
To m ^r Edmund Wynn		
To Capt: Dan: Tucker		
To S ^r Bowyer Worsley	}	Planters
To m ^r Ro: Moston		
To Capt Hen: Pelham		

Also priuate Patents for shares giuen by the Quarter Court (vizt)

To m^r Io: Bonnall.
 To Capt Sam: Each.
 To m^r Io: Balmford.

It beinge moued that it might be free for Aduenturors and Planters to take Duplicat[℥] of their Patents vnder the Companies Seale, it was generally held verie fittinge, and therevpon ordered that such as desired duplicat[℥] being engrossed and wittnessed by the Secretary to be agreeable to their originall might haue the Seale therevnto affixed. [15]

Whereas at a Court held the Thirteenth of ffebruary last The Company thought fitt to bestowe 2 shares of land old Adventure in Virginia vpon Iohn Clarke in reward of the good seruice he had donn the Company in transportinge of people and Cattle to Virginia w^{ch} beinge referred to this Court for confirmacon, The same are nowe accordingly ratified vnto him and ordered to passe vnder the Seale at the next Quarter Court as vnto others.

AT A GENERALL COURT HELD FOR
VIRGINIA 5^o IUNIJ 1622

PRESENT

Right Hono^{ble}: Ea: of Southampton Tīer
Lo: Cauendish

S ^r Edwin Sandys.	Capt: Gifford.	m ^r Newport.
S ^r Phill: Carey.	m ^r Barnard.	m ^r Leuer.
S ^r Iohn Dāuers.	m ^r Rogers.	m ^r Harrison.
S ^r Io: Brooke.	m ^r ffreake.	m ^r Martin.
S ^r Tho: Wroth.	m ^r Bromefeild.	m ^r Seward.
m ^r Nieh: ffarrar Dpt:	m ^r Paulavicine.	m ^r Hackett.
m ^r Iohn Wroth.	m ^r Caswell.	m ^r Geo. Smith.
m ^r Gibbs.	m ^r Bennett.	m ^r Wentworth.
m ^r Iermyn.	m ^r Wiseman.	m ^r Cuffe.
m ^r Io: ffarrar.	m ^r Palmer.	m ^r Woodall.
m ^r Ro: Smith.	m ^r Boothby.	m ^r Robert℄.
m ^r Io: Smith.	m ^r Baynham.	m ^r Underwood.
m ^r Binge.	m ^r Widdowes.	m ^r Sparrowe.
m ^r Bromfield.	m ^r W ^m ffelgate.	m ^r Caps.
m ^r Tomlins.	m ^r Winne.	m ^r Chaplin.
Capt: Tucker.	m ^r Meuerell.	m ^r Grindon.
m ^r Ewens.	m ^r Mellinge.	m ^r Steward.
		m ^r Rossingham.
		with diuers others.

My Lo: of Southampton beinge nowe present signified vnto the Court that he was content to accept the place of Treasurer for the yeare ensueinge accordinge to their elecōn wherein he would be ready to pforme the best service he could for the Companie and Plantaōn, hopinge they would please as formerly to dispence with his absence when either his Ma^{ties} service or his owne vrgent occasions did with-

drawe him w^{ch} the Court willingly condescended vnto, with humble and hartie acknowledgement of their bounden thankfullnes vnto his lp: for his noble fauo^r and affec^{cion} vnto the Planta^{cion} vnder whome it had pleased God to prosper it so well in the two preceedent yeares of his gouernment, as there was nowe greater hopes then euer of a flourishinge State and Co^mon Wealth in Virginia, and so his lp: tooke his oath.

My Lo: Cauendish acquainted the Court with his Ma^{ty} Answere vnto the Message he deliuered in the name of the Companie in the presence of my Lo: Haughton and diuers others of the Counsell that attended them.

ffirst concerninge the peti^{cion} he presented to the Kinge in Answere of Capt: Martins, wherein the Company through iust suspi^{cion} of partiality in some of the former Referrees desired the matter might be referred together with those ffis in the first reference, to certaine other Lords of his Ma^{ty} most hono^{ble} Priuy Councell, whome they nominated: his Ma^{ty} said he much wondred at this newe [16] sprunge vp custome that Peti^{cion}ers should nominate their owne Referrees, to w^{ch} his lp: made Answere that in that pointe Capt: Martin had bin their example who in his peti^{cion} w^{ch} his lp: then shewed his Ma^{ty} had named his owne Referrees w^{ch} his Ma^{ty} had approued.

Touchinge the Account of the last yeares Supplie w^{ch} he likewise presented vnto the Kinge his Ma^{ty} graciously accepted thereof.

Lastly vpon presentinge the Companies most humble thank^e vnto his Ma^{ty} for the graceous message deliuered by m^r Alderman Hamersly and m^r Bell signifyinge that in proposinge the persons men^{tioned} in the paper for Treasurer and Deputy it was not his Ma^{ty} meaninge to infringe the liberty of their free elec^{cion}; Wherevpon choise beinge made of two of each proposed by his Ma^{ty} to stand in elec^{cion} with two others named by the Companie they beinge all put to the Ballatinge Boxe, the elec^{cion} fell vpon my Lord of Southampton for Treasurer (vnder whose gouernment the Planta^{cion} had exceedingly prospered and encreased) and vpon m^r Nicho: ffarrar for Deputy; But his Ma^{ty}

seemed not well satisfied that out of so large a number by him recommended they had not made any choise: His Ma^{tie} conceauinge that Marchant^e were fittest for the gouernment of that Plantation in respect of their skill and habilities for raisinge of Staple Comodities, and instancinge S^r Tho: Smith in whose times many Staple Comodities were sett vpp w^{ch} were nowe laid downe and onely Tobacco followed to w^{ch} his lp: made Answ^r that in this pointe as likewise in many other perticulers touchinge the Companie and their proceedinge his Ma^{tie} had bin much misinformed, the followinge of Tobacco onely and the neglectinge of all staple Comodities haue bin the fruit^e of S^r Thomas Smiths and Alderman Johnsons times but on the contrary euer since it hath bin laboured with all industrie care and diligence to erect Iron-Mill^e, plant Vineyard^e nourish Silke and other like, of some whereof they hoped very shortly to giue his Ma^{tie} good proufe, and that since the time of S^r Thomas Smith, the Colony had growne almost to as many Thousand^e of people as he left hundred^e, good encrease hath bin also of the Cattle: And that with ten thousand pounds expence there had bin more pformed for the aduancement of the Plantacon then by S^r Thomas Smith with fowerscore Thousand^e: And further his lp did assure his Ma^{tie} that some of those persons recommended beinge present in Court did then and most of them haue otherwise publicquely since acknowledged and proffessed that they would neuer haue accepted of those places, professinge themselues through want of experience and aboundance of other imployment^e so disable that they should haue brought backe the buissines more in one yeare then it had gonn forward in these last three so that the choosinge of them had bin the hazardinge of the whole Plantacon.

My Lo: of Southampton signified to the Court that himselfe and some others of his Ma^{ties} Counsell for Virginia together with y^e Gouverno^r and Assistant^e of the Su^mer Iland^e had nowe (before the settinge of the Court) been consultinge about a waightie Proposition made vnto them from my Lord Treasurer w^{ch} they conceaued might turne to the benifitt of both the Plantations: W^{ch} Proposition his lp: entreated S^r Edwin Sandys (as best acquainted with the manner of it) to relate vnto the Court. [17]

Wherevpon S^r Edwin Sandys signified that my Lo: Treasurer out of his personall Duety as also the duety of his place bendinge his thought^e to the aduanceinge of his Ma^{ty}s proffitt and Revenue, and yet carefull to avoyde greivinge of his Ma^{ty}s Subiect^e and in perticular out of his Noble affec^ōn and well wishinge to the Plantation, wherein himselfe was one of the most auncient Aduenturers, as also of longe time a Counsellor for the same had bin pleased of late to make an overture to him for contractinge with the two Companies of Virginia and Sum^r Ilands for the sole Importac^ōn of Tobacco into England, as also into the Realmes of Ireland: The graunt whereof havinge in these two former yeares been managed by other Contracto^{rs} to the discontent and perhapps Detriment of the said Plantations, they might nowe haue the Grant thereof made vnto themselues and consequently haue the sole managinge of all that Comodity with reseruac^ōn of a valuable rent to his Ma^{ty}e w^{ch} he thought might redound to the great benefitt of the Planta^ōns.

Touchinge w^{ch} Proposition his lp: desired to knowe his opinion in priuate before it were further published, S^r Edwin Sandys professinge his ignorance in matters of that nature desired to haue some other associated with him, w^{ch} his lp: well likinge of, and giuinge him his owne choise, he chose S^r Arthur Ingram, who then was present beinge likewise an auncient Aduenterer and Councello^r for the Plantation and who vpon all occasions did manifest his great good affec^ōn to it.

S^r Edwin Sandys and S^r Arthur Ingram fallinge into a consulta^ōn amongst themselues touchinge this Proposition and consideringe y^e vncertainty of this deceaueable weede Tobacco w^{ch} serued neither for necessity nor for ornament to the life of man, but was founded onely vpon an humo^r w^{ch} might soone vanish into smoake and come to nothing, whereby the vpholding of any great rent to his Ma^{ty}e to be raised out of that Comodity might in a short time bankrupt the Companies, and vtterly ruine the Planta^ōns: conceaued that it was a much safer waye for the Companies rather to yeald vnto his Ma^{ty}e a certaine propor^ōn out of the Tobacco it selfe in specie then a certaine Revenue in money, beinge subiect to so great danger.

This Answere within a few dayes after they returned to his lp: who requiringe their opinion what proporcon they thought fitt, S^r Edwin Sandys made Answere that the Comodity beinge managed by men of skill and dexterity he thought that if the Companies should yeald to his Ma^{tie} a fourth part of the proffitt thereof it might raise vnto him a verie faire Revenue, And for his owne priuate opinion he thought it not impossible that the Companies (taking all circumstances into ~~their~~ ||due|| consideracon) might yeald to that fourth part, so as to be discharged of all other burdens.

His lp: herevpon fallinge into a calculacon of the quantitie of Tobacco yearely spent in these Kingdomes, as also of the prices at w^{ch} it might be sold concluded that without the Grant of a Third part, there could not be that revenue raised to his Ma^{tie} as was expected, and as for other charges his lp: answered that the old Custome of vj^d and iiij^d the pound beinge already graunted to his Ma^{ties} ffarmors it might needs be [18] paid, for otherwise the Defalcacons w^{ch} the ffarmors would demaund might swallowe vp the greatest parte of his Ma^{ties} Rent intended, how beit he would helpe to bringe the matter to a reasonable composicon and such as might be no great burden to the Companie.

In conclusion his lp: aduised S^r Edwin Sandys to comunicate this Proposicon first wth the Gouvernor and Deputies of the two Companies and if they did approue of his lp^s opinion who conceaued it might redound to the great benefitt of the Plantations and that in more respect^e then one, beinge duely waighed and considered, they might proceed to impart it to the Companies so to receaue their resolucon and further direccon.

Accordinge wherevnto S^r Edwin Sandys hauinge acquainted both their Hps then present and the Deputies of the Companies with the offer and nature of this Contract proposed And their Hps hauinge comū-unicated the same to the Counsell of the one Company and Assistants of the other they all thought it fitt that the same should be proposed to the consideracons of the Companies w^{ch} accordinge to their Hps comānd he had nowe performed.

Wherevpon after some pause and deliberaçon the Companie signified their generall well likinge of it: but withall desired that it might not be concluded vpon vntill such time as they had better considered of euey perticular matter and circumstance thereto incident and deliuered their opinions thereof either by writinge or otherwise.

Touchinge w^{ch} it was answered that nothinge could be yealded vnto to binde the Company without the consent of a Quarter Court, wherevnto the ratificaçon of this buissines must be referred:

Wherevpon it beinge put to the question first whither they liked to entertayne this Proposition in generall on such condiçons as should be afterward agreed and assented vnto by themselues: The whole Court with an vnanimous consent signified their approbaçon thereof.

Next it was propounded and thought fitt that a Comittee of either Companie should be appointed to treat and consider of the matter of this Contract and out of their number to select some to treat with my Lord Treasurer from time to time about it.

Wherevpon for the Virginia Companie these eight by erecçon of hande were chosen (vizt)

The Ea: of Southampton.	m ^r Nic ^o ffarrar Dpt̃.
S ^r Io: Brooke.	m ^r Bennet.
S ^r Edwin Sandys.	m ^r Io: Smith.
S ^r Io: Dāuers.	m ^r Ro: Smith.

After this the Virginia Court beinge dissolued into a Su^mer Ilande Court and the Lo: Cauendish Gouvernor of the said Companie takinge the Chaire, choise was made of six for ~~that~~ ||y^e|| Company vizt

the Lo: Cauendish.	m ^r Caswell Trēr.
m ^r Bernard y ^e elect Gouverno ^r .	m ^r Gibbs.
m ^r Io: ffarrar Deputy.	m ^r Ditchfeild.

who are entreated by the Court to take the premises into their consideraçon and to make report from time to time of their proceedinge vnto the Court, that their opinions and aduises may be also had therein. [19]

AT A VIRGINIA COURT ||HELD|| THE 19TH OF JUNE 1622

PRESENT

Right Hono^{ble}: Lo Cauendish.

S ^r Edwin Sandys.	m ^r Bull.	m ^r Mellinge.
S ^r Nich: Lawer.	m ^r Palmer.	m ^r Barbo ^r .
m ^r Nich: ffarrar Dpt.	m ^r Caswell.	m ^r Towler.
m ^r Gibbs.	m ^r Iacobson.	m ^r Sparrowe.
m ^r Brooke.	m ^r Essington.	m ^r Ley.
m ^r Iermyn.	m ^r Swinhowe.	m ^r Addison.
m ^r Wilmer.	m ^r Meuerell.	m ^r Iefferrees.
m ^r Io ffarrar.	m ^r Widdowes.	m ^r Rossingham.
m ^r Steward.	m ^r Baynham.	m ^r Capps.
m ^r Binge.	m ^r Viner.	m ^r Grindon.
m ^r Paulavicine.	m ^r Penistone.	m ^r Dawes.
m ^r Ro: Smith.	Capt: Tucker.	m ^r Peirse.
m ^r Shippard.	m ^r Wynn.	m ^r Clarke.
m ^r Barnard.	m ^r Geo: Smith.	with diuers others.
m ^r Iohnson.	m ^r Kingston.	
m ^r Geo: Butler.	m ^r Rogers.	
m ^r Copland.	m ^r Hackett.	
m ^r Balmford.	m ^r Gookin. ¹	
	m ^r Iadwin.	

M^r Deputy acquainted the Court that S^r Nicho: Lower whose Brethren had bin large Aduenturers longe agoe, was nowe himselfe resolved to come into this buissines, wherevnto alwayes he had borne a zealous affection and had brought in 25^{li} for the purchase of two shares w^{ch} the Court verie gladly accepted ||of|| and a Bill of Aduenture was Sealed vnto him for two shares and the money deliuered to m^r Iohn Cuffe the Companies Casheer.

¹The letter "k" written over the letter "d."

It pleased the Right Hono^{ble} the Lord Cauendish to passe ouer one of his shares of land in Virginia vnto m^r Hobbs w^{ch} beinge allowed of by the Auditors was also approued and ratified by the Court.

After the readinge of the former Quarter Court m^r Deputy acquainted the Company with diuers complaint^e that had bin exhibited to his Ma^{tie} by petiçons against the Virginia Company, w^{ch} his Ma^{tie} had bin graceously pleased to referr to S^r Christofer Perkins one of the Masters of Request^e with order to call the Deputy of the Company and some others before them to require their Answares therevnto; Accordingly himself and some other of the Companie had bin before S^r Christofer Perkins, where they found diuers petiçons had bin preferred against the Companie where they also found Capt: Martin and Captaine Hazell attendinge their cominge who had exhibited two petiçons to his Ma^{tie} complayninge in their first that the Virginia Companie denied him the said Captaine Martin the fruiçon of those priuiledges containyed in his said Patent, wherevnto the Companie had former[mer]ly giuen their Answere: in their second petiçon to his Ma^{tie} Capt: Martin and Capt: Hazell (with many others vñamed) entituled his Ma^{tie} to a large parte of Virginia beinge fower score miles in circuite w^{ch} should be sett out by S^r Tho: Dale as the Kings fforrest.
[20]

To the Kings moast excellent M^{aty}

The Humble Petition of Captayne Iohn Martyn esq
And Captayne Robert Haswell wth many others.¹

Humbly sheweth to yo^r most excellent Ma^{tie} that whereas in time of S^r Tho: Dale Gouvernor for yo^r Ma^{tie} in Virginia there was a great quantitie of Woodland Marish and other grounds beinge in circumference by estimaçon fower score Miles or thereabout^e for w^{ch} ground he did compound with Powhatan the Indian Kinge or cheife of that place and bounded the same out with markeable Trees and other Mark^e of perpetuall knowledge and remembrance with a solemne

¹ The caption of this petition is the autograph of Nicholas Ferrar. The handwriting changes from this point to that of the unidentified copyist referred to above as the "Fourth Copyist."

procession also of many yo^r Ma^{ty} Subiects then and there liuinge comaundinge notice to ~~giuen~~ ||be taken|| thereof and to be alwayes entituled and called the Kinge fforrest.

In w^{ch} fforrest of yo^r Ma^{ty} there is of Deare and wild Swine a verie great number that beinge preserved with care and iudgement from the continuall hauocke and spoile that is and wilbe made of them and their brood, By w^{ch} preservacon yo^r Ma^{ty} Colony may be continually nourished and Shippinge at all times plentifully victualled with Corne and Porke Baken and Deeres fflesh beside there is many other profitable Comodities alleady knowne

Yo^r Petition^{rs} therefore most humbly beseecheth yo^r most sacred Ma^{ty} to be pleased to take the said fforrest into yo^r owne hande and to appoint some hono^{ble} person to ||be|| the Com^{mander} thereof, authorisinge him to giue order for Plantacons thereon for yo^r Ma^{ty} best behoufe and proffitt Giuinge order also for a Iustice of oyer and Rangers and other Officers as shalbe thought most convenient for the said fforrest and Plantacon.

And yo^r Peti^{tioners} shall praye for yo^r Ma^{ty} happie and longe raigne ouer vs.

Vnto this Petition as a matter of great consequence S^r Christofer Perkins required in his Ma^{ty} name a speedie Answeare: Wherevpon the Counsell hauinge mett in the morninge, and taken it into consideracon framed an Answeare therevnto w^{ch} doth here ensue. [21]

The Aunsweare of the Counsell and Compagny for Virginia assembled in a generall Courte to the Petition of Captayne Iohn Martyn and Capt: Robert Hassell wth many others unnamed touching that which they call the Kings Forrest in Virginia¹

The sayde Counsell and Companie for aunsweare therevnto saye that they acknowledge no Kinge of Virginia but Kinge Iames, of and vnder whome they hold and not from ||king|| Powhatan so named by the Petitioners.

True it is that for a permanent hono^r as well to his royall Ma^{ty} the founder of that Plantation as also to his Princely Issue they haue named both their

¹ The caption and first four words of this document are the autograph of Nicholas Ferrar.

chiefe Citties as also other places most remarkeable with the names of his Ma^{tie} and of his Children w^{ch} they suppose doth noe waye alter the proprietic of Inheritance in those places w^{ch} his Ma^{tie} by his letters Patent^e vnder his great Seale hath graunted to the said Companie for and throughout all Virginia.

Touchinge the King^e fforrest so named in the petiçon, it is a name happily knowne to Capt: Martin and his Associat^e but not to the Company and in the circuit of that Territory w^{ch} they are pleased to call the fforrest are placed both Iames City beinge the principall City in Virginia and place of residence for the Gouvernor & Counsell and also diuers other principal plantaçons and namely that of the City of London.

Touchinge the Deere it is true that generally the whole Countrie of Virginia is replenished with them, but for the Swyne they are no other then y^e breed of such as haue bin transported thither by the Companie: And it is strange vnto them y^t Capt: Martin who is said to haue ruined aswell his owne State (if euer he had any) as also the estate of other who put him in trust (as namely Capt: Bargraue) & who hath made his owne Territory there a Receptacle of Vagabond^e and bankrupt^e & other disorderly psons & whereof there hath bin made publiq^{ue} complaint and who is famous for nothinge but all kinds of base condiçons so published in print by the Relaters of the proceeding^e of the Colony about 10 yeares since, and who for the said condiçons was Displaced by the Lord D' Lawarr from beinge of the Counsell as a most vnworthie person and who hath presumed of his owne authority (no way deriued from his Ma^{tie}) to giue vniust sentence of death vpon diuers of his Ma^{ties} Subiect^e & seen the same put in cruell execuçon, should dare to offer himselfe to his Sacred Ma^{tie} as an Agent either for matter of good husbandrie or good order.

And as for Capt: Hazell he is neither Aduenturer in the Companie nor Plant^r in Colony but a meere strang^r to both nor otherwise knowne vnto them then as an Interpreter to a Polonian Lord of his owne creatinge.

But if his Ma^{tie} should be pleased to ~~giue~~ ^{haue} a Royall demeanse sett out for his Ma^{ties} his heires and Successors in Virginia to be and so be called for euer, the King^e land there could be nothinge more ioyfull to the said Counsell & Companie nor wherein they would more willingly imploy their vttermost endeauors for the advanceinge of a perpetuall standinge Revenue to his Ma^{tie}.

The Court entred into an exact discussement of all the perticular point^e therein, and hauinge heard it twice read confirmed the same, and for deliuey thereof to S^r Christof^r Perkins, they humbly besought the Lord Cauendish the Lord Haughton S^r Edwin Sandys, and desired the gentlemen that had formerly bin with S^r Christofo^r Perkins to attend them. [22]

M^r Peirs the Capemarchant takinge notice of Captaine Martins Deniall of protectinge any within his Territories from arest for debt affirmed that havinge deliuered diuers Warrant^e to the Prouost Marshall of James Citty in Virginia, to be serued vpon men that were indebted lyvinge loosely within Captaine Martins Plantation, the Prouost Marshall told him that the said Capt: Martin resisted the Officer and drewe Armes vpon him and would not suffer him to execute the said Warrant^e.

W^m Capps and one Grindon also affirmed that it was comonly reported that Capt: Martins Plantation was a place of refuge for such as were indebted whither they comonly fled and were protected.

Captaine Rossingham likewise affirmed the same and ~~that~~ if Capt Martin had bin of power, there had bin no livinge in Virginia.

M^r Jefferson reported likewise that to his knowledge Captaine Martin beinge sumoned refused to obey the generall Assemblies.

As each man had deliuered this his reporte of Captaine Martin the Court caused it againe to be read vnto euery of them who affirmed the same to be truely sett downe as they deliuered it nowe openly in Court, and that they would be ready to iustifie the same vpon their oath.

M^r Deputy further presented a petiçon that one Adam Dixon had exhibited to his Ma^{ty}. Also an Attestacon of greivances in Virginia exhibited by one W^m Kempe, vnto both w^{ch} S^r Christo: Perkins in his Ma^{ty} name required the Companies Answeare:

Accordingly wherevnto the ~~Companie~~ ||Counsell|| had drawne two seuerall Answeares.

To the Kings most excellent Ma^{ty}
The humble petition of Adam Dixon of Virginia ¹

Humbly sheweth to your most Excellent Ma^{ty} that whereas yo^r Petiçoner was hired for Virginia for the seruice of the Companie and Colony as m^r-Calker of the Shippe and Vessells as occasion requireth and there to serue them for the space of 3 yeares at the rate of 36^s the Moneth w^{ch} time and seruice hauing

¹ The caption and first four words of this document are in the autograph of Nicholas Ferrar.

fully and faithfully performed, yet beinge afterward forceably detayned for the service of the Colony in their imployment for the terme & time of seauen yeares or thereabout, Also whereas Captaine Argall in the time of his gouern^t gaue vnto yo^r peticon^r and one Io: Berrey a peece of ground vncleared to build vs a howse w^{ch} he ||wee|| did to y^e cost and charg of 100^{li} yo^r peti^c hath vntill this day neuer receaued any more money for recompence & satisfac^on of his time & service but 3^{li} 13^s So there remayneth due vnto yo^r Peti^coner ~~by the Companie~~ 150^{li} 8^s or thereabout^e likewise yo^r peticon^r and Io: Berry was this last yeare turned out of their sd howse & ground by S^r Geo: Yeardley contrary to all equity iustice or conscience to o^r great discomfort & other vndoeinge.

Yo^r peticon⁹ therefore humbly beseecheth yo^r sacred Ma^{ties} to be pleased to graunt vs yo^r most graceous Reference to the right worth: S^r Ro: Mamsell & S^r Christo: Perkins Knight^e to heare & take order for our redresse accordinge to equity & right or otherwise to certifie yo^r Ma^{ties} what their wisdoms shall thinke fitt to be donn therein.

And yo^r Peti^coners shall euer pray for yo^r Ma^{ties} longe and happie raigne ouer vs. [23]

19 Iunij ||The Answ^r of the Counsell and Company for Virginia
1622 assembled in a generall Court to the peti^con of Adam Dixon

The said Counsell and Company for answ^r therevnt say C^r q^d this Auns^r infra. ||
The greevances of certayne Inhabitants of Kikatan in Virginia now called Elizabeth City by the testimony of William Kemp for thees named and diuers others¹
Humbly sheweth y^t William Iulian was by Capt: Argall then Gouvernor allotted vnto him a proporcon of land possessed thereof and built a howse at his owne charge ||cost|| worth 30^{li} & was after by y^e comand of S^r Geo: Yeardly ||then Gouverno^r|| turned out of Doores, w^{ch} Iulian did also mayntaine at his owne charge for 3 Moneths 4 men w^{ch} was also taken away from him to serue their vse without any recompence also.

Iohn Bush hauinge two howses paid for before the said Gouvernor came in was in like man⁹ turned out and Capt: Nuce put in possession of the same by S^r George Yeardley contrary to all right and equity whereby he lost all his good^e and his wife in that extremitie miscarried with her child.

The Brother of the said Iohn Bush beinge then dead in the howse and his wife great with Child was likewise turned out.

Iohn Powell was in like manner turned out of Doores and forced to forsake his howse w^{ch} he had built at a great charge and had cleared much ground w^{ch} was verie chargeable to him also.

¹ This paragraph and the first five words of the following paragraph are in the autograph of Nicholas Ferrar.

V. Writing of the Fourth Copyist

With Captions and Initial Words in the Writing of Nicholas Ferrar
Being page 23 of Volume II of the original MS.

Thomas Brewer hauinge by casualty his howse burnt and had built another & cleared much ground was likewise supplanted and turned out of Doores notwithstandinge he had it confirmed vnto him vnder the Seale of the Companie Colony.

Thomas Willoby had newly hired a howse and was likewise turned out.

Iohn Gundry with his wife and Child hauinge at his owne cost built a howse was also turned out of Doores.

All or the most of these was of longe continuance auncient Planters and the best members of the first mechanicke Trad℥.

W^m Kempe wilbe sworne that this is true.

By me W^m Kempe.

19 Iunij The Aunsweare of the Counsell and Compagny for Virginia assembled
1622 in a generall Courte to the petition of Adam Dixon.¹

The said Counsell and Companie for aunsweare therevnto say, that the matters therein containd are to them vtterly vnknowne, & such as they haue no inducement℥ to pswade them to be true, neither is there extant in their booke℥ the mençon of any such Contract for ought they can finde & if any such were it must haue bin made in the time of S^r Tho: Smith when he was Treasurer and by his authority vnto whome they referr him for aunsweare and satisfacōn, touchinge the other part of his owne complainte against S^r George Yeardley who was likewise chosen Gouverno^r of Virginia in the said time of S^r Tho: Smith and by his consent: if he hath comitted the wronge and outrage alledged in the said petiçon, whereof the petiçon^r neuer as yet complained either to the said Counsell or Companie, they will take a course for redresse thereof with all possible expedicōn by comending the same to the care of the Gouvernor and Counsell nowe resiant in Virginia.

The Aunsweare of the Counsell and Compagny for Virginia assembled in a generall Courte to y^e Greivances in Virginia exhibited by William Kempe.²

The sayde Counsell and Companie for answ^r therevnto saye y^t none of y^e pties p^ttended to be wronged by y^e said greivances haue to this Day made any complaint thereof to y^e said Counsell or Companie & therefore they haue no cause to conceaue them to be true y^e rather for y^t the said W^m Kempe doth not so much as pretend in his said Complaint any authority from the said pties greived to exhibite y^e same: neither yet hath exhibited it to y^e Counsell or Companie where right might haue bin donn, himselfe hauinge bin in England this Twelue-month & vpward wth is an argmn^t of suspicōn y^t he hath rather bin sett on by some other mens mallice then moued wth zeale of right & iustice.

¹ The caption of this document is in the autograph of Nicholas Ferrar.

² The caption and first three words of this document are in the autograph of Nicholas Ferrar.

Howbeit y^e said Counsell & Companie will with y^e next oppertunity (accordinge to their custome in causes of like nature) transmitt the said comp^{lt} to y^e Gouvernor & Counsell resiant in Virginia y^t if any Trueth may appeare in any part thereof they may proceed aswell to a due reformatiō of y^e said greiuances as also to y^e condigne punishm^t of the persons charged to be Delinquent^e. [24]

The petitiōns were read and the Answeres approued by the Court and the deliury of them to S^r Christofer Perkins recomended to the former Com̃ittee.

Capt:

M^r Deputy signified further that one Capt: Somers in a petitiō to his Ma^{tie} had entituled his Ma^{tie} to the Sum̃er Ilands and to 12000^l for the Ambergreece that was there founde, the Answeres therevnto although it properly belonged to the Sum̃er Iland^e Company because the Virginia Companie was in the petitiō taxed of iniustice and oppression, he thought fitt by the waye to signifie it vnto them, that they might see what Machinaōns were sett a foote against the Plantaōns.

To the Kings moast Excellent Ma^{ty}
The Humble Petition of Captayne Mathew Sommers Petitioner
in the Kings Bench

Humbly sheweth unto your moast Excellent Ma^{ty}¹ that whereas S^r Geo: Sumers Knight beinge one of the first and cheife of the Plantation of Virginia as appeareth by your Ma^{ties} Letters Pattent^e aduentured therein 1000 and odd pound^e and beinge forced by fowle weather to saue himselfe and Companie sought an Iland called the Barmudaes where he lost² his Shippe and soone after his life, yo^r humbe peticon^r his im̃ediate heire and there in person built a smale Pynnace to convey his Companie for England, and left there men to continue the possession in yo^r royall right.

The Virginia Companie vnderstandinge of this Discouery did challenge it as their right beinge 100 leagues at the least without distance of their Graunt: the said Companie sent a Gouvernor with men to take that possession from yo^r Ma^{tie} and findinge yo^r Petitiōners men to be still lyvinge who found by their industrie ~~and~~ a cake of Ambergreece of 160^l waight the the said Gouvernor hearinge thereof did violently take it from them to the vse of the Companie who sold it for 12000^l and offered violence to those men for the confessinge of more.

¹ The address and preceding words of this petition are in the autograph of Nicholas Ferrar.

² Written over the word "left."

Shortly after the said Companie sold the said Ilands to a perticuler Company for 2000^l as was confessed by S^r Edwin Sandys in open court without any reliefe vntill this Day of yo^r Petitioner either for his aduenture or otherwise albeit they haue often bin sought vnto at yo^r petitioners great charge and vtter vndoeinge, and nowe not so much as his petiçon to be read in their Court, but threatned to put out his frend the Solicitor thereof out of the Court These and no other comforte ¶ can ¶ wee the auncient Aduenturers receaue amongst them w^{ch} wee most humbly beseech yo^r Ma^{ty} for god's cause to see redressed. farther yo^r Petitioner most humbly beseecheth yo^r sacred Ma^{ty} to be pleased to enter into consideraçon of yo^r owne Royall righte therein, and to giue order to the right Hono^{ble} the Lord of yo^r Highnes Counsell for the hearinge and Determining of yo^r Ma^{ty} Righte and also for the releiuinge of yo^r poore Suppliant.

And he shall (as in duety most bounden) euer pray for yo^r Ma^{ty} most happie and prosperous raigne. [25]

The Aunswere of the Gouvernour and Compagny for the Summer Islands assembled in a Generall Courte to the Petition of Mathew Sommers prisoner in the Kings Bench.

The sayde Gouvernour and Compagny for aunswere therunto say¹

That true it is that the Companie for Virginia at their owne great charges furnished and sett out S^r Tho: Gatl and S^r Geo: Summers K^{nts} with a fleet of diuers Shippes and some hundred of people in a voyadge to Virginia, of w^{ch} the said S^r Tho: Gatl to ¶ bee ¶ Lieutenant Gouvernor and to hold the cheife place of Gouverment in the absence of the Lo: D'Lawarr then Gouvernor of Virginia and S^r Geo: Summers to be Admirall. pag. 24.

And it is also true that the said S^r Tho: Gats and S^r Geo: Summers passing both in one Shippe were forced by fowle weather and a leake in their Shippe to run her vp vpon the rocke of the Ilande then called Barmudaes and nowe y^e Summer Ilande.

from whence hauinge built a smale Ship and pinnace they went on to Virginia with intent to send a Shippe backe to the said Barmudaes for the bringinge of hogge from thence to Virginia (whereof in the said Barmudaes they found great store and in the meane time were left behinde three of y^e Companies men vpon other occasions then in y^e said petiçon is menconed It beinge then conceaued that the said Ilands laye nearer to Virginia then afterward proued, and consequently that they belonged vnto the Companie of Virginia (by vertue of an originall graunt from his Ma^{ty}) w^{ch} afterward appearinge to be otherwise they were humble Suitors vnto his Ma^{ty} for an enlargement of y^e said former graunt whereby the said Barmudaes might be conteyned within

¹ The caption and preceding words of this document are in the autograph of Nicholas Ferrar.

their lymitt℥ w^{ch} they also obtayned, In w^{ch} meane time S^r Geo: Sumers beinge sent backe from Virginia to the Barmudaes for transportinge of the said Hogg℥ by reason it was conceaued that those Iland℥ lyinge lowe would not easily be found againe but by a man of great skill in all passages by sea, such as was S^r Geo: Sumers, It pleased God that there he ended his Dayes, and the petiçoner Mathewe Sumers Kinsman to S^r Geo: Sumers but not his heire (contrary to the trust and intended purpose of that voyage) in stead of returninge wth the said Hogg℥ for Virginia perswaded the Marriners to come away for England where the said Mathewe Sumers hath euer since continued for ought that the Companie knoweth without pformance of any the least service for behoufe of either Plantation: The Companie for Virginia havinge obtained the said graunt of the Barmudaes from his Ma^{tie} and findinge it verie convenient for a strength to Virginia to be planted and peopled beinge not able to effect the same at their comon charge did passe their right awaye to diuers principall Members of their Companie vndertakinge for the plantinge and peopling of the same.

And afterwards vpon surrender of the said graunt vnto the Kinge his Ma^{tie} was pleased vnder his great Seale to graunt the said Iland℥ vnto the said Vnder-takers and to incorporate them by the name of y^e Companie of the Citty of London for y^e planting of y^e said Barmudaes from thence forward to be called by the name of y^e Sumers Iland℥ ffor the plantinge and peoplinge whereof the said Companie haue Dispended of their owne proper goodes to the Summe of one hundred thousand mark℥ & vpward℥.

And they saye further y^t true it is, y^t the said 3 men left behinde in y^e said Iland℥ as aforesaid hapned to finde one Blocke of Ambergreece of a verie great value, The right wherevnto was graunted to the said Companie for the Sumer Iland℥ by y^e Companie for Virginia at whose charges and in whose seruice y^e said three men were sett out and imployed, notwithstandinge by reason of vnderhand conveyance away of the said Ambergreece the said Companie for the Sumers Iland℥ neuer recouered aboue one Third part of y^e said blocke of Ambergreece the certen value whereof they are not able to deliuer, by reason that the then Gouvernor of the said Companie (beinge then also their Treasurer) hath hitherto refused to deliuer vp to the said Companie an account of their Tresury, And touchinge the Third part of the said Ambergreece w^{ch} came vnto the possession of y^e then Gouvernor of their Companie & wherevnto they conceaue they had a iust and lawfull title, they haue notwithstandinge compounded for the same with the finders thereof aforesaid, so as none of them haue any cause to complaine of y^e said Companie and least of all the said Mathewe Sumers who had no interest therein.

And as for the said peticon^r Demaund of y^e right of y^e said S^r Geo: Sumers in Virginia for his pretended Aduenture, beinge farr short of y^e Some sett downe in y^e said petiçon, y^e said Company saith y^t y^e said Mathew Sumers beinge not

right heire to y^e said S^r Geo: Somers (as was confessed by his Solicito^r one Capt: Baylie in open Court) can haue no iust pretence to the same, but that y^e Companie for Virginia haue alwayes shewed themselues verie willinge to doe all right to y^e true heires of S^r Geo: Somers with as much fauour and assistance as they may reasonably desire: And Although ye said Mathewe Somers haue no iust cause to stile himselfe an auncient either Aduenturer or Planter consideringe his short abroad there and suddaine returne without license: And the said Companie for Virginia haue bin greatly wronged by his Solicitor, y^e said Capt: Baily whome it seemeth nothinge can satisfie but y^e distruc^{ti}on of both y^e Plantations, yet if there be any thinge of right belonginge vnto the said Mathewe Somers vpon notice giuen thereof he may receaue all fitt satisfac^{ti}on.

This beinge y^e true state of y^e matters complayned of in y^e said peti^{ti}on The said Gouernor and Company forbearre to make aunswere to a multitude of other pticularities therein contained: The same beinge either friuolous or void of all coulo^r of trueth. [26]

A mo^{ti}on was made in the behalfe of m^r Edward Iohnson that in respect his father S^r Robert Iohnson deceased was an Auncient Aduenturer he might therefore be admitted to enioye his ffathers right beinge his next heire and that he might haue a Patent with as much fauo^r as the Companie do graunt to any other auncient Aduenturers, both w^{ch} request^d the Court condiscended vnto and gaue order for a Patent to be drawne against the next Court.

Vpon the earnest desire of diuers Aduenturors that m^r Copland would please to goe to Virginia and applie himselfe to the Ministry there: A mo^{ti}on was made that forsomuch as he had deserued so well of the Companie by his good mo^{ti}ons and endeanors w^{ch} haue redounded much to the hono^r and benefitt of the Plantation, as also in respect of his owne sufficiency and worth (whereof he hath giuen so ample testimony, that therefore some extraordinary care be had for his placeinge and entertainment in Virginia in good manner w^{ch} mo^{ti}on was well approued of and therevpon the Court referred it to a Committee to treat and aduise about the same vpon next Saturday morninge at m^r Deputy ffarrars vizt

S ^r Edwin Sandys.	m ^r Caswell.
m ^r Gibbs.	m ^r Meuerell.
m ^r Nic ^h fferrar Dpt	m ^r Robert ^e .
m ^r Io: ffarrar	m ^r Mellinge
m ^r Binge.	or any fower.

S^r Iohn Bouchiers request by letter for his Sonn Whittakers returne for England who (as he saith) intendeth not to staye here any longer from his Wife and Child, whome he meanes to leaue behinde him, then he can furnish himselfe with necessaries, is referred to the former Co^mitte^e to be considered of.

The peti^{ti}on of Thomas Goldsmith Ann Minters and some others were also referred to the considera^{ti}on of any fower of the former Comittee to be ordered and reported of to the next Court.

At the same time was presented the peti^{ti}on of Widdowe Smalley concerninge fower Oxen in the Colony wherevnto she pretended right by Graunt from Capt: Argall, The same Oxen hauinge formerly bin her Husbands, vpon occasion of w^{ch} peti^{ti}on report was made to the Companie of diuers suspitious proceedinge concerninge the same, as namely that the said Widdowe Smalley had first exhibited a peti^{ti}on and greuious complainte to the Kinge against Capt: Argall for hauinge spoiled her of all her goodes, w^{ch} peti^{ti}on beinge referred by his Ma^{tie} to the Counsell for Virginia there was after some time brought in a retracta^{ti}on of that peti^{ti}on and Complaint against Captaine Argall vnder her hand and Seale; wherein shee also charged others (but without any name) to be ~~incident~~ inciters to her to make that complaint: w^{ch} retracta^{ti}on her selfe first desired might be read in open Court: And the same was afterwarde much pressed by Captaine Argall: but the [27] Counsell denied it, vnles shee would first name those that had bin her Incyters, the rather for that Capt: Argall with some extraordinary vehemency declared, that he suspected some of the Companie to haue so sett her on worke, and beinge vrged to declare whom he suspected, he in fine named that he had suspected S^r Edwin Sandys.

After w^{ch} time Widdowe Smalley repairinge to some number of the Councell assembled together (of w^{ch} number was the Lord Cauendish, m^r Gibbs, m^r Wrote the two Deputies and others) shee renued vnto them her complaint against Captaine Argall for w^{ch} beinge reprobued, (hauinge before vnder hand and Seale retracted the same) shee answered that shee was forced therevnto by Capt: Argall who had caused that writinge to be made at the Do^m Co^mons and refused to

sett ouer vnto her, her Husbands Executorshippe vnles shee sett her hand and Seale to that writinge, the matter whereof shee said shee did not well vnderstand, contrariwise shee iustified her former complainte made to the Kinge against Capt: Argall protestinge she was by no other meanes moued therevnto, but by the wronge he had donn her, and that the Petiçon was drawne by a freind of hers dwellinge in Tower street at her request.

Wherevpon S^r Edwin Sandys (beinge then present in Court) protested that he neuer in his life spake worde to the said Widdowe Smalley otherwise then in passinge by as shee solicited him, about her petiçons neither euer sent Message to her either directly or indirectly, And he said that he had not deserued of Capt: Argall or any man el^e that he should entertaine so vnworthie a suspition against him, havinge donne nothinge against Capt: Argall otherwise then he was bound to doe by vertue of his place at what time he was Treār, as also of his oath vpon complaint made against him for so great a depredaçon in the Colony when he was deputy Gouvernor, w^{ch} complaint against Captaine Argall neither moued from him neither yet in the yeare wherein he was Treasurer, but findinge it a foote it was his Duty to bringe it to Tryall by lawfull meanes wherein he alwayes followed the Counsellis direcçons: And although Captaine Argall by meanes of his great frende had not bin proceeded with, to a full and finall Tryall; yet the matters against him were still in force and validity his Answeres vnto them hitherto hauing giuen litle or no satisfacçon as he conceaued.

Vpon this occasion it was moued by diuers of the Court that the Letters written by S^r Thomas Smith and m^r Alderman Johnson then Treār and Deputy aswell to the Lord D'Lawarr as to Capt: Argall himself might be openly read in Court w^{ch} was accordingly donne the Coppies whereof doth here followe.

A Coppy of a letter sent to Captayne Argoll in the good shipp the William and Thomas.

S^r Wee receaved your letters by the George¹ directed to the right Hono^{ble} Lord^e C^r But before the receipt whereof wee had finished ours w^{ch} wee

¹ The caption and the first eight words of this letter are in the autograph of Nicholas Ferrar.

purposed to haue sent to you by this conveyance without expectinge the Georges cominge but by the vnexpected contentē of yours wee are driuen to lay aside our former and breifely to declare our mindē in this wherein wee take no pleasure. [28]

You knowe howe many wayes you haue bin exceedinge chargeable to the Companie not of late onely, but formerly when you contriued the fruitē of their expence to yo^r owne benefitt without beinge called to an Account they haue also put hono^{ble} reputaçon vpon yo^r person and presuminge of yo^r wisdomē and discrecion they made you Gouvernor to followe their Comission and Instruccions w^{ch} in the person and protestaçon of an honest gentleman you vndertooke to doe.

And therefore it is verie strange to vs to see you so change and differ from yo^r selfe w^{ch} by yo^r wordē and deedē beinge the testimony of yo^r minde wee do sensibly see and feele, As in perticuler yo^u intimate first vnto vs that you hold yo^r selfe disparaged in that wee sent you our last fres subscribed with so fewe handē, y^t wee termed you but Deputy Gouvernor, and that wee should thinke our Capemarchant a fitt man to deliuer our fres to yo^r handē, yo^u heape vp also many vniust accusaçons against vs and the Magazine, nourishinge thereby (instead of pacefyinge) y^e malecontented humors of such as seeke to bringe all to confusion and to ouerthrowe that w^{ch} is settled vpon iust and equall Termes to be propt of the Plantation there and the life of the Aduenturers here, w^{ch} both vndoubtedly must stand and fall together But wee shall easely put by all such yo^r weeke imputaçons when time shall serue to Debate the perticulers and when wee feare yo^r selfe will not be able to aunswear yo^r owne Accõs, yea yo^r owne fres dated at Iames Towne, in March i617 shall iustifie vs in some of those perticulers touchinge the Magazine wherein yo^u are contrarie to yo^r selfe.

Tobacco and sassafras onely for iust causes are restrained at reasonable ratē to the Magazine, and you beinge Gouvernor restraine noe man but Passengers M^r Marriners bringe the greatest part of Tobacco and all the Sassafras for themselves, It is laid vnto yo^r charge that you appropriate the Indian Trade to yo^r selfe, yo^u vse our frigatt that came from the Sum^{er} Ilandē and the other with our men to trade for yo^r owne benefitt, yo^u proclaime in the Colony that no man shall trade with the Indians nor any buy any ffurrs but yo^r selfe: It is also iustified that you take the auncient Planters of the Colony w^{ch} ought to be free and likewise those from the comon garden to sett them vpon yo^r owne employmentē, and that you spend vp our store Corne to feede yo^r owne men as if y^e Plantaçon were onely intended to serue yo^r turne.

Wee cannott imagine why you should giue vs warninge y^t Opachankano and the Natiues haue giuen their Country to m^r Rolfe Child and that they will reserue it from all others till he comes of yeares except as wee suppose as some

do here report it to be a Deuise of yo^r owne to some espeaciall purpose for yo^r selfe but whither yours or thers wee shall litle esteeme of any such conveyance.

Yo^u say you haue disposed of all our kine accordinge to o^r Comission It seemeth you neuer looke vpon our Instruceons, wee gaue yo^u no such Comission but the contrary in expresse wordē as that you should preserue and nourish them to y^e common vse only a fewe w^{ch} wee had disposed whereof wee send you the pticulers wee thought it vnpossible when wee made you Gouvernor y^t euer you should offer vs this kinde of dealinge not once to mencon howe many to whome nor for what consideracon, but to do them all away of yo^r owne head & to take satisfaccon to yo^r selfe: Wee must let you knowe wee allowe of no such sale nor of the Deliury of any one Cowe by you farther then yo^r Instrucons do expressly warrant.¹

But aunswearable to this and the rest I ||you|| haue alsoe delte wth us for the Hyde about w^{ch} its well knowne to y^rselfe what trouble wee had wth the L: Admirall and y^e Spanish Embassadour and how dearly they cost us and wee know how much it would haue imported us to haue had them sent by this shipp as well for y^e reputation of our returne as alsoe for helping to defray the greate chardge of the voyadge notwthstanding they being fayrely demanded of you it hath pleased you there to stay them in your owne Custody and to suffer the shipp to com hom wth other mens goodē and not once vouchsafing to mention the Hyde in your generall Letter but in this manner That y^u being made Admirall doe know how to dispose of unlawfull purchase and by this wee must understand the Hyde to bee yours as for the debts and wages w^{ch} you say y^u haue payde for us wee marvell y^u doe not sende us a noate of the particulars for to our knowledge wee are not in y^t kynde indebted to any man, yf there bee any such matter or y^t you haue provided any stuff for the Colledg as y^u writt yett y^u must not imagine y^t wee are soe insensible of reason as to suffer either of those to bee a cloake for y^u to detayne our hyde or to convey all away all our Catle and Corne either you must thinke highly of y^rselfe or very meanelly of us in y^t being our substitute y^u will presume to offer us theese wrongs, and to suppose y^u may doe what you list in such a publique cause wthout being called to accompt wee haue therefore determined of a course and wee haue written to the Lord Gouvernour w^{ch} wee doubtē ||not|| but his Lorp will impart unto you and soe wee rest.

Your very louing freinde

London 22 August
1618

Thomas Smith.
Lionell Cranfeild.

Ihon Dauer.
Ihon Wolstenholme.
Robert Ihonson. [29]

¹ The remaining part of this letter and all of the letter following are in the handwriting of Nicholas Ferrar.

Taken oute of the Coppy of a Letter sent to the Lord Delawarr
by the William and Thomas The 23 of August 1618 touching C: Argoll

Wee are now enforced to write unto your Ldp: of important matter of another nature which is touching m^r Samuell Argoll whom wee made Gouvernour in your Lordps absence. Wee make noe doubt but hee hath deliuered the Gouverment wth an accompt of his doings into your Lōps hands. Wee haue received from him by the George a very straunge letter which together wth those Informations y^t wee haue agaynst him by sundry Witnesses lately com^e from thence doe importe more discontent to the Aduenturers heare & more hazard to the Plantation then euer did any other thing y^t befell that Action from the beginning. His discontent^e in y^t wee subscribed our letter sent unto him wth few hands, our terming him to bee but Deputy Gouvernour hee disdayning to bee Deputy to any man, our letters to bee deliuered unto him by soe meane a man as the Cape-merchaunt wth many such like w^{ch} wee pass ouer. And breifely¹ wee must complayne to your Lōp of his neglecting and transgressing our Commission and Instructions. First hee hath made away all the Kyne belonging to the Collony and taken satisfaction for them to himselfe wheras wee gaue him express chardge in his Instructions to preserue and nourish them to the Common use except some few which wee had disposed wherof wee writt him in perticular. He hath suffered passengers mariners and others wth out restraynte to shipp moast of the Tobacko and all the Sassafras for themselues which by order of Courte at certayne rates agreed vpon are appropriated to the Magazine—Hee armes himselfe and others wth uniust accusations agaynst us to ouerthrow the magazine. Without which wee know assuredly y^t neither the Adventurers heare nor the Plantation there can long subsist. Hee hath gotten possession and keepes back our Hyd^e under pretence of being Admirall w^{ch} cost our ioynt stock well neare —400^{li}—wth a greate deale of toyle and trouble before wee could obtayne them wth his obstinate refusall to deliver them hee hath doñ us soe greate displeasure at the returne of this ship as hee could not haue worked to haue doñ us a greater. Hee hath forbidden all trade and commerce wth the Indians but trades amongs[t] them wth the Summer Island Frigott and our men to his owne benefitt. Hee takes the auncient Collony men which should now bee free and our men from the Common Garden to sett them aboute his owne imployment and wth the Collonys stoare of Corne feeds his men hee proclaym^e y^t noe man shall dare to buy any thing of Furr ¶ of the Indians ¶ but himself as yf the Plantation and y^e people there were ordayned onely to serue his turne. Theese and to many like Errours of his are layde to his chardge for w^{ch} the Adventurers heare will noe ways bee satisfyd wthout his personall appearance to make his Aunswere and they are hardly restrayned notwthstanding the Kinges [farr of in?] progress from going to the Court to make there Complaynte and to procure

¹ Written over "cheifely."

his M^{tes} commaund to fech him home and therefore wee pray y^r Lordp for the avoyding of farther scandall and slaunder to the Gouverment of our Plantation y^t you will cause him to bee shipped home in this ship the William and Thomas to satisfy the Adventurers by aunswearing such things as shall be layde to his chardge and for y^t wee suppose there will bee found many misdemeanours of his for w^{ch} hee must make satisfaction to the Compagny wee pray your Lorpt to ceaze uppon such goods of his as Tobacko and Furrs wherof it is reported hee hath gotten together a greate stoare to the Collonies preiudice and to sende them to us to bee in deposite till all matters bee satisfyd and y^t y^r Lop: would bee pleased to take back agayne thos Kyne and Bullocks w^{ch} by his unlawfull sale are dispersed heare and there and y^t they may bee brought together agayne to the Collonies use and to such others of the Hundreds as the Generall Courte by y^r Lopps consent did order and appoynt.

Your Lōps very assured to doe yⁿ service

London 23 of August
1618.

S^r Thomas Smith
S^r Ihon Dauers
S^r Ihon Wolstenholme
Robert Ihonson [30]

After w^{ch} S^r Edwin Sandys appealed to the iudgement of the Court whither these charges against Captaine Argall had their originall from him or from other who are nowe reputed to be his best freind: True it twas that one thinge fell out in his yeare, namely the sendinge out of Captaine Argalls Shippe both victualled and manned from the Colony a rovinge to the West Indies whereof complainte beinge made from the Gouvernor and Counsell in Virginia as of an Act that might worke their vtter ruine and extirpacon, he could do no lesse then giue notice thereof according to his oath to the Lords of his Ma^{ties} priuy Counsell wherein he did nothing otherwise then by the direccon of the Counsell and Companie and with as much moderacon as the cause could possiblie beare.

After w^{ch} ~~deliberacon~~ ||declaracon|| made by S^r Edwin Sandys it was generally pressed by the Companie, That whereas the last Quarter Court appointed a select Co^mittee to call Captain Argall to an Account, for the losses w^{ch} the Companie and Colony haue sustayned by his mis-employinge, and convertinge to his owne vse their Tenante and Ser-vaⁿte their Cattle and Corne and other goodē and yearely proffittē in the time of his gouernment to his owne excessiue gaine and lucre, and

to the great detriment of the Companie and almost distrucōn of the Plantacon: That for asmuch as the said Coṃittee hath hetherto donn nothinge in that matter, they were earnestly entreated by this Court to proceed therein with all expediōn and diligence and to make report of their proceedinge to the next Court if it be possible or elē as soone after as they can with any conveniency that further order may be taken therein at the Quarter Court followinge.

It beinge moued to knowe the pleasure of the Court for sale of the Tobacco brought home in the George, in respect the marketē here were but bad for ventinge Tobacco except at a very lowe price: It was aduised (that vnlesse it could be sold for 4^s p^{li}) to forbear the Sale both of the Companies Tobacco, and of the Magazine some fewe dayes longer vntill it might be knowne whither the intended Contract with his Ma^{tie} did proceed or not.

A mocon beinge made for auditinge of m^r Peirs Accountē and for deciding some differences between m^r Leate and m^r Morris Abbott about the Tobacco that m^r Leate bought of the Companie for 2^s 3^d the pound The Court appointed

m ^r Nich: ffarrar Dpt.	m ^r Bennett.
m ^r Io: ffarrar.	m ^r Palmer.
m ^r Bull.	m ^r Boothby.
m ^r Essington.	m ^r Caswell.
m ^r Kightley.	m ^r Mellinge.
m ^r Sheppard.	m ^r Meuerell.

or any fower of them to meet when m^r Deputy shall appointe.

Iames Mootham passed one of his shares of land in Virginia wth allowance of the Auditors and approbacon of this Court.

ffrancis Carter passed ouer one share of land in Virginia vnto Thomas Waynwight Cittizen and ffishmonger of London beinge pcell of the later 40 shares assigned vnto him by the right Hono^{ble} the Lady Lawarr.

ffrancis Carter passed likewise two shares of the said number vnto M^r Robert Smith Cittizen and Marchantaylo^r of London. [31]

AN EXTRAORDINARY COURT FOR VIRGINIA
ON SATURDAY IN THE AFTERNOONE THE 29th
OF JUNE 1622

PRESENT

Right Hono^{ble} Ea: of Southampton.

Lo: Cauendish.

Lo: Haughton.

S ^r Edwin Sandys.	m ^r Bull.	m ^r Bennett.
S ^r Sam: Sandys.	m ^r Paulauicine.	m ^r Woodall.
S ^r Io: Dāuers.	m ^r Palmer.	m ^r Swinhow.
S ^r Io: Brooke.	m ^r Caswell.	m ^r Peirs.
m ^r Gibbs.	m ^r Widdowes.	m ^r Iadwin.
m ^r Nich: ffarrar Dpt.	m ^r Baynham.	m ^r Harrison.
m ^r Io: ffarrar.	m ^r Geo: Smith.	m ^r Berblocke.
m ^r Ro: Smith.	m ^r Mellinge.	m ^r Iefferson.
m ^r Tomlins.	m ^r Bolton.	m ^r Robert℄.
m ^r Oxenbridge.	m ^r Hackett.	m ^r Ditchfeild.
Capt: Bargraue.	m ^r Withers.	m ^r Perry.
m ^r Cuffe.	m ^r Wiffin.	m ^r Porter.
m ^r Binge.	m ^r Hart.	m ^r Nicholle.
	m ^r Copland.	m ^r Rider.
	m ^r Whitly.	with diuers others.

This Court beinge purposely called to be made acquainted howe farr the Co^mittee (appointed by the former Court) had proceeded in their Treaty with the right Hono^{ble} the Lord High Treasurer of England touching a Contract to be made with his Ma^{tie} by the Virginia and the Sum^r Iland^e Companies for the sole Importation of Tobacco, S^r Edwin Sandys beinge entreated by my Lo: of Southampton to make the rela^con signified vnto the Court that aforesaid Co^mittee after

mature deliberacon had vpon the premisses thought fitt to offer to his lp: certaine Propositions touchinge this intended Contract. w^{ch} Propositions accordinge to his lp^s desire were sett downe in writinge and the same were nowe also read in Court beinge here ensuinge.

Propositions from the Compagny of Virginia and the Summer Islands offered to the Consideration of the Lord High Tresuror of England touching a Contract to bee made wth his M^{ty} for y^e sole Importation of Tobacko.

1. That the Compagny haue the sole¹ importacon of Tobacco into the Realmes of England and Ireland.
2. That his Ma^{ty} by Proclamacon inhibite all others vnder paine of confiscacon of their Tobacco and his Ma^{ty} high displeasure.
3. That likewise the plantinge of Tobacco in England and Ireland be forbidden by the same proclamacon vnder a grieuous penalty.
4. In consideracon whereof as also for that the Companies shalbe discharged from ~~all~~ any other payment^e due to his Ma^{ty} or to any other persons by graunt from him exceptinge onely the auncient custome sett downe in y^e printed booke of rat^e (of 6^d p^{ty} for roll Tobacco and 4^d the for leafe) the Companies shall pay vnto his Ma^{ty} y^e proffitt of a full fourth part of all y^e Tobacco that shalbe yearely imported and vented in either of these two Realmes duringe the said Contract and if the said fourth part shall not amount to the full value of 20000^{li} by the yeare to his Ma^{ty} aboue all charges and deduccon [32] in y^e case the Companies shall make addicon out of their said Tobacco in such quantitie as to make vp the said 20000^{li} provided that the said addicon yealded vnto by y^e Companies in case aforesaid do at no time exceed a full Third part of the entire yearely value of their said Tobacco.
5. And Touchinge the said Custome their desire is that his lp: would be pleased that it might be reduced vnto a certen Sum beinge the mediū of these seauen yeares last past, of w^{ch} somme the Companie to paye the ratable part to their proporcon of Tobacco and his Ma^{ty} the like ratable part ~~to his~~.
6. That the Tobacco to be brought in be consigned all into one hand vizt of such Officers as the said Companies shall appointe, And the said Companies haue the sole mananginge of the said sale of Tobacco yealdinge vnto his Ma^{ty} a true and perfect Account thereof and payinge the proffitt w^{ch} shall growe due vnto his Ma^{ty} vnto such as the Lo: Treasuror shall appointe to receaue the same.
7. That all charges aswell for the freight and carriage as for all other thing^e incident to the orderinge and Disposinge and sale of the said Tobacco be Defalked and allowed in y^e said Account^e proporconably out of his Ma^{ty} and out of the Companies part^e.

¹ The caption and preceding words of this document are in the autograph of Nicholas Ferrar.

8. That his lp: be pleased to take a strict course for the preventing of all vndue bringing in of Tobacco by other meanes.
9. That his lp: be likewise pleased for the present to take order for the preventing of y^e bringing in of any Spanish Tobacco more then the allowance already sett.
10. That all confiscacon and other penaltys vpon this Contract be diuided into three part^l the one part to his Ma^{ty} vse, the other to the Companies and the third to the Informer.
11. That this Contract begin at Michas next and continue for seauen yeares.
12. That this graunt intended be for all other matters tendinge to this buisines drawne in most beneficiall sort for y^e Companies and for the aduancement of the Plantacon, his Ma^{ty} proffitt as aforesaid reserued.
13. That if any confiscacon of Tobacco shall happen between this and Michas next the same may be for the vses aforesaid w^{ch} if it cannot be granted that yet at least wise the Tobacco so confiscated may be sent out of the Realme to be sold elsewhere and not to cloye these Kingdomes therewith w^{ch} would tend aswell to y^e Dammage of his Ma^{ty} as of y^e Companies.
14. That in his Ma^{ty} said Proclamacon there may be inserted a lymitacon of y^e price of Tobacco aswell for the said Companies as for y^e Retaylors so that the Companies shall sell no Tobacco at aboue 8^s the pound nor the Retaylors at aboue 10^s and so ratably for lesser quantities, single pipefulls of Tobacco onely excepted.
15. Lastly the Companies humbly beseech his lp: to be a meanes that his graceous Ma^{ty} may be more truely informed of their present proceedings in this his Ma^{ty} service for y^e benefitt & aduancem^t of these his royall Plantacons hauinge found to their exceedinge great greife and discouragem^t y^t the maligners of them and their Accons, haue much preuayled against them by most vntrue suggestions, that so standinge right in his Ma^{ty} fauo^r they may with more efect continue in their toylesome cares and endeauo^r for the setting forward of these noble works and in all other seruices that may be acceptable to his Ma^{ty}.

In aunsweare wherevnto his lp: deliuered three exceptions taken against them.

The first was ~~that~~ the offer of a fourth part by the Companies with a conditionall addition might be altered into an absolute graunt of a third.

Secondly that there be no discharge of the Patent of garbelinge.

Thirdly that the Kinge might not be charged with any freight.

Vnto w^{ch} seuerall exceptions the Committee had framed an Answere and had also made an Addiçon of certaine clauses assented vnto to be inserted in the Contract hauinge bin omitted in the first Propositions. W^{ch} Answ^r to the Exceptions and those other Additions were here likewise read, and are these ensuinge. [33]

The Answere of the Committees to certen exceptions taken on the Lord Treasurers behalfe to the Proposicons of the Companies touchinge the sole Importation of Tobacco.

First his lp: requires that the offer of a fourth part with some conditionall addition be altered into an absolute graunt of a third parte.

The Committees make answere that the Generalities of the Companies do conceaue the offer of a fourth part with the condiçon of enlargement annexed, to haue haue bin so large, as that it would haue been accepted: Notwithstandinge the Comittees will doe their best endeauors to drawe them by pswasion to yeald to this Demaund of a Third part, So that there be no further burdens laid vpon them: w^{ch} if there should be they thinke it not possible to bringe the Companies to yeald vnto it.

Secondly it is required by his lp that there be no discharge of the Patent of Garbellinge.

The Committees answere that they are crediblie informed that the Patent for Garbellinge hath not hitherto taken effect vpon any man as beinge questionable, first whither Tobacco be garbellable at all, and secondly whither the proporçon of a groat vpon the pound be not excessive, consideringe that some Tobacco is daylie sold for litle aboue that value (all duties discharged) And in perticular for themselues the Companies alledge that by their precedent Letters Patent^e graunted from his Ma^{tye} they stand free and discharged from all Taxes besid^e the Customes: Notwithstandinge the Committees conceaue, that if his lp: would be pleased, that in this Contract and Grant intended the Companies might be clearely dicharged from all clayme of that Patent: It would be a great inducement to the Companies to yeald to that third part desired: Whereas contrariwise if they should conceaue that besid^e that Third part and the old custome expressed in the printed booke of Rat^e (w^{ch} they yeald to paye for their two Third^e) they shalbe also charged with this grote for garblinge it would amount in the whole to a full moytie of their good^e.

Thirdly his lp: doth not hold it reasonable that the Kinge should be charged with any freight considering that his right to the third doth growe vpon the arriuall of the same within these his Kingdomes But his Lp: is well pleased that in all other charges after the said arriuall the Kinge beare his part accordinge to his proportion of a third.

The Committees answere that they will do their best endeauor to pswade the Companies to rest satisfied herewith.

Addition of certen clauses assented vnto to be inserted in the said Contract hauing bin omitted in the first Propositions.

That there be a Clause inserted for restraint of bringinge in Spanish Tobacco aboue 60000 waight.

That there be likewise inserted in the Contract a Graunt or Couenant from his Ma^{ty} against the grauntinge of Licenses to Retaylors of Tobacco: But that the Sale thereof may remaine free as hitherto it hath donne.

The ratinge of the prices of Tobacco aswell for the Marchant as the Retayler, his lp: is pleased to leaue to be sett downe by the Companies vpon full debate of all reasons thereto incident.

Whereas they haue receaued from his lp: the mediū of the quantity of Tobacco brought in these seauen last yeares endinge in Michas 1621 amountinge to 1420854.

The Committees desire that by a newe examinacon it may be more perticularly sett downe howe much thereof was roll Tobacco and howe much was leafe because of the different customes and that the whole may be reduced into a certaine Some of money: of w^{ch} Some one Third to be paid by the Kinge and two Thirde by the Companie and the Customers to make noe further demand. [34]

Hee further signified that since that time the Committee had receaued his Lp': pleasure vpon a newe Proposition vizt that for these two next yeares either the Companie should be bounde to bringe in 60000 waight of Spanish Tobacco or otherwise permitt 40000 waight to be brought in by some other.

W^{ch} newe Proposition appearinge verie greivous vnto the Committees, and such as did crosse their originall purpose, they made replye with eight reasons against it w^{ch} they also caused to be deliuered ||in writinge|| to his lp: being these ensuinge.

The Committees haue lately receaued his lp: pleasure vpon a newe Proposition not formerly mentioned vizt That for these two next yeares either the Companie should be bound to bringe in 60000 weight of Spanish Tobacco, or in case of their vnwillingnes to be thereto tyed they should be content that some other might bringe in 40000 weight of Tobacco: whereof his Ma^{ty} to haue likewise the proffitts of one Third.

The Committees make Answere that they conceaue that the beare publishinge of this Proposiçon would breed in both the Companies so great auersnes, that they would be vncapeable of that perswasion w^{ch} they nowe trust may pre-vayle to induce them to yeald to the former point^e in question.

The reasons which moue the Comittees to be of this opinion are these ensuinge.

1. They say that the example of bindinge men to bringe in any forraigne Comodities, whereof there is is sufficient growinge within the Kings owne Dominions will seeme verie strange, and such as they suppose hath not bin heard of in any part of the world.
2. They say that the former Patentees for the sole Importaçon were free from this Bond.
3. They conceaue that this proporçon doth ouerthrowe the former Contract in the most materiall part^e thereof, especially if it should be yealded that any other besid^e the Companies should haue liberty to bringe in any Spanish Tobacco.
4. They leaue it to his Ēps: graue consideraçon whither the forbiddinge to plant Tobacco in England: and the commaundinge thereof to be brought in from a forraigne Country, beinge conceaued to haue bin a chiefe cause of the want of money in this Realme would not be greivous to the English Subiect, and greatly preiudiciall to the Patentees in their reputaçon.

They saye that the proporçon mençoned in the Proposition of 60000 waight seemeth verie excessiue, and more then was brought in, in diuers of the said seauen yeares, when there was no restraite at all for bringinge in of Spanish Tobacco.

They conceaue that this Proposition may in effect clearely crosse the two mayne ends proposed to this Contract, namely the proffitt of his Ma^{tie} and the benefitt of the Plantations: seeinge that it is generally knowne and confessed, that there hath bin in these later yeares as much Tobacco vnduely brought in without payinge of Custome, as that w^{ch} hath bin orderly brought in by the Marchant w^{ch} if it hath heretofore bin 12^d out of the Kings waye will nowe vpon this Contract ||will|| be neare ten times as much, and the onely waye to auoyde that fraude and mischiefe, is the certaine discerning of the seuerall kind^e of Tobacco, wherein there can be no erro^r: Whereas contrariwise vnder the coulo^r of Spanish Tobacco, it wilbe vnpossible to auoide the stealinge in of ten times as much, whereof the former Patentees haue had deare experience, So that if his Ma^{tie} should gaine by that Proposition some thousand of pound^e one way, he should ruⁿ hazard of loosinge twice as much by wronginge the great Contract, and this reason is of like force touching the benefitt of the Plantacons w^{ch} together with his Ma^{tie} proffitt must stand and fall growe and diminish. [35]

They saye that the bringinge in of so great proporcion of the best Spanish Tobacco must abase vtterly the price of the Tobacco of both the Plantations whereby the disprofitt aswell to his Ma^{ty} as the Companie may proue greater then the benefitt conceaued by this newe Proposition.

And touchinge the Plantations, it appeareth most manifestly by the experience of this yeare that the bringinge in of that quantitie of 60000 waight hath kept downe the Virginia and Sumier Ilands Tobacco at the same rate as formerly: So that by the admittinge of this Proposition the Plantations should depart with one Third of their Tobacco without any retribucon in the price as was at first proposed.

Lastly the Committees saye that beinge left at liberty accordinge to the former Propositions if they shall finde hereafter by reason or experience that the bringinge in some Spanish Tobacco may proue a matter of benefitt to the Kinge and Companie they shall haue great reason to apply themselues therevnto within the lymitt^e prescribed and with better caution then could be obserued if they should admitt of any Partners.

Howbeit it beinge afterward made euident vnto them and therevpon much vrged that the bringinge in of Spanish Tobacco for a certaine time was of that importance as might not be omitted.

Herevpon the Co^mittee takinge into ||their|| serious consideracon howe auayleable it wilbe vnto both the Plantations that his Ma^{ty} profitt goe hand in hand with the Companies, and on the other side considering that if this Contract did not proceed a worse accident might befall, they applied their endeauors to the best of their vnderstandinge to sett downe some meanes so to qualifie the said newe Proposition, as might be least preiudiciall to the Plantacons: w^{ch} thought fitt to restraine to these three lymitacons: ffirst that the Couenant for bringinge in of Spanish Tobacco be lymitted to two yeares and no longer: Secondly that the quantitie be reduced to these proporcons, namely not to exceed 60000 waight nor to be lesse then 40000: Thirdly that it be with this condicon that the Spanyard^e do not raise the custome or other burdens vpon it or the present price that nowe it is sold ~~for~~ at in Spaine and that the markt^e of Tobacco in Spayne be in all respect^e as free as formerly they haue bin; or otherwise the said Couenant for bringinge of Spanish Tobacco ~~to~~ to be void and discharged.

Hee also signified that in regard this newe Proposition had appearance of damage and danger both to the Companies and Plantations, they therefore thought fitt to extend the whole Contract but to three yeares in certaine and afterwards for fower yeares more, yet so as the Companies to be at liberty to dissolue this Contract vpon a yeares warninge giuen either at the end of the second yeare or any yeare after.

All w^{ch} Proceeding^e of the Co^mittees beinge thus related and read and the Court duely waighinge them, acknowledged the Co^mittee had proceeded herein with as much care wisdome and circumspection as possibly they could desire and themselues much bound to the hono^{ble} Lords and others the Co^mittee for the extraordinary paynes they had taken in this buissines.

And because it appeared there were nowe some thing^e propounded w^{ch} the Company neuer heard before as namely the bringinge in of a certaine quantity of Spanish Tobacco and the yealdinge of a Third part thereof to the Kinge, they desired time till the next Court to consider thereof as also of the best meanes of preventinge the stealinge of any more then the propor^cion lymited, if that of necessity must be yealded vnto. [36]

A PREPARATIVE COURT HELD FOR VIRGINIA

THE 1^o IULY 1622

PRESENT

Right Hono^{ble} Ea of Southampton.
 Ea of Dorsett.
 Lo Cauendish:
 Lo Padgett.
 Lo: Haughton.

S^r Edwin Sandys.
 S^r Sam: Sandys.
 S^r Iohn Brooke.

Capt Tucker.
 m^r Caswell.
 m^r Penistone.

m^r Tatam.
 m^r Stephens.
 m^r Swayne.

S ^r Walter Earle.	m ^r Geo: Smith.	m ^r Burr.
S ^r Hen: Crafts.	m ^r Copland.	m ^r Christ: Martin.
m ^r Gibbs.	m ^r Paulavicine.	m ^r Tobias ffelgate.
m ^r Palmer.	m ^r Binge.	m ^r Ewens.
m ^r Nicho: ffarrar Dpt.	~~m^r Strowt.~~	m ^r Clarke.
m ^r Iohn ffarrar.	m ^r Mooror.	m ^r Couell.
Do ^r Anthony.	m ^r Waynwright.	m ^r Bennett.
m ^r Wilmer.	m ^r Hackett.	m ^r Wiseman.
m ^r Bromefeild.	m ^r Boothby.	m ^r Shippard.
m ^r Iohn Smith.	m ^r Robert℄.	m ^r Moorewood.
m ^r Ro: Smith.	m ^r Ley.	m ^r Bland.
Capt: Gifford.	m ^r Newport.	m ^r Seward.
m ^r Berblocke.	m ^r Morris.	m ^r Gookin.
m ^r W ^m Palmer.	m ^r Whitly.	m ^r Chamberlen.
m ^r Swinhowe.	m ^r ffelgate.	m ^r Webbe.
m ^r Tomlins.	m ^r Wiffin.	m ^r Iohnson.
m ^r Widdowes.	m ^r Withers.	m ^r Barkham.
m ^r Bull.	m ^r Woodall.	m ^r Robert℄.
m ^r Strowd.	m ^r Hart.	m ^r Stubbs.
	m ^r Baynham.	m ^r Beamont.
		m ^r Viner.
		m ^r Porter.
		with diuers others.

My Lord of Southampton signified vnto the Companie that he held it fitt accordinge to their vsuall manner (before they did proceed to a newe matter) to read that w^{ch} had bin formerly donne. And because there had happened a meetinge of the Court on the 19th of Iune between the last Court and a Court held the fift of the same Moneth, wherein the buissines nowe in hand was first proposed :

It was therefore agreed that the said middle Court held on the 19th of Iune wherein other matters were treated of (and not this Contract intended) should be put of to be read on Wedensday beinge the next Quarter Court and the rather because in that Court of the 19th of Iune are many waightie matters w^{ch} highly concerned the Company, and most fitt for the knowledge of that great Quarter Court touchinge the

said Contract w^{ch} two Court℥ beinge read together, with the whole proceeding℥ of y^e Co^mittee touchinge the said Contract to be made with his Ma^{tio} by the Companies for Virginia and the Sum^r Ilands for the sole Importa^con of Tobacco: After some pause therevpon S^r Edwin Sandys who had bin desired to make report of the whole proceeding℥, tooke occasion to acquaint the Companie that the Co^mittee havinge receaued a newe Proposi^con from the Lo: Treasurer for the bringinge in of 60000 waight of Spanish Tobacco, or otherwise to permitt 40000 waight to be brought in by some other, they had opposed it with the eight reasons w^{ch} were read against it, but there appearinge vnto them a necessity of yealdinge therevnto or otherwise [37] to breake the bargaine §in hand§ with the Kinge: The Comittee laboured in this extreamity to qualifie the said Proposition by restrayninge it to the three lymita^cons w^{ch} they had heard likewise read: And lastly they thought fitt that forasmuch as this newe Proposi^con had appearance of damage and danger both to the Companies and the Planta^cons they thought meete to lymitt the whole Contract to three yeares in certaine, and afterward℥ for fower yeares more, yet so as the Companies §to§ be at liberty to dissolue this Contract vpon a yeares warninge giuen, at the end either of the second yeare, or any yeare after, w^{ch} lymita^con though it had not yet bin imparted to my Lo: Treasurer, yet the party appointed to treat with them herein, made no great doubt but that it might be graunted.

But touchinge the Patent of Garbellinge, w^{ch} the Co^mittee desired to be discharged of, The Lo: Treasurer said it was out of his power to recall what his Ma^{tio} had alreadye graunted vnder his great Seale to certaine priuate gentlemen: wth whome notwithstandinge he made no question they might compound vpon reasonable condi^cons, or otherwise they had liberty to stand vpon the alledged priuiledge of their Patent and benefitt of the co^mon lawe (if they conceaued that might help them) for his lp: herevpon verie noblie professed he did vrge this present Contract no further, then as it might well stand with the future good of §both§ the Plantations.

Whervpon the matter beinge taken into debate by the Companies, Some conceaued, that as it would be greivous vnto the Aduenturers

so would it be vnto the Planters in Virginia, nor could it well stand with the safety of the Plantation, if the Planters vpon halfe proffittē be forced to paye also a third part of their Tobacco to the Kinge: But it was answered by reason they were to paye the Kinge in the Specie of Tobacco and not in money and for all other duties to paye only the mediū of the Custome (if they might therewithall be discharged of the matter of Garbellinge) it was verie probable (the buissines beinge duly managed) they should not be in worse case then they were before: Wherevpon some moued that the contract with his Ma^{tie} might be condiçonall with proffer of a fourth part for the present vntill they might be eased of their Couenant for bringinge in Spanish Tobacco and also quitt of the said Patent of Garbellinge: And others moued that a Clause in this Contract might be inserted to free them from it, but it was answered that a Precedent Patent could not be infringed by any after Graunt nor was it held fitt so much as to question the p^ruiledge of their owne Patent w^{ch} was sufficient against it.

After w^{ch} debate with some other allegaçons tendinge to impugne the said Contract, and the Lordē that were present desired that the buissines might be proceeded within an orderly fashion, and brought one waye or other to a certaine Conclusion and resoluçon; S^r Edwin Sandys herevpon moued that for a more orderly proceedinge herein, the whole buissines might be reduced to certaine heades, and that each of those heades might be thoroughly debated of, and the Court to passe their iudgement seuerally vpon each, and [38] finally in conclusion vpon the whole bargaine of the Contract: And he said that he had obserued in the reasons and Allegaçons, w^{ch} had bin hetherto made, that some of them did directly impugne the Contract or some branch thereof, and some other did moue questions onely of certaine difficulties that seemed to depend vpon the orderinge and managinge of this buissines, w^{ch} difficulties seemed not to be of that importance as to disharten men from it if the Contract it selfe were assented vnto: And therefore to proceed with the Contract it selfe, he first acquainted the Companie that this matter of contractinge for the sole Importation of Tobacco [had] moued originally from an offer made for the same, by the then Gouvernor and Deputy of the Com-

panie for the Summer Ilands who had bin also Treasurer and Deputy for this Company as was openly deliuered at the Counsell Bourd in presence of himselfe and many others of the Companie nowe in Court Wherevpon it was conceaued by reason of the quality of the persons the offer had moued from the two Companies; w^{ch} at the same time was absolutely denied and disavowed by the Members of both Companies then attendinge their Ip^s. But the first mouer of this Contract for the sole Importaçon cominge to no higher an offer then of 10000^l Rent by the yeare, It was vndertaken by others, namely S^r Thomas Roe and his Associat^e at a much greater rent, who for the raisinge thereof, besides their Patent of Contract for sole Importaçon procured also a Proclamation from his Ma^{tie}, straightly inhibitinge all others to bringe in any Tobacco into this Realme without the Patentees license, w^{ch} was the cause of the Companies then attendinge their Ip^s. Wherevpon a gracious Referrence from his Ma^{tie} they obtained liberty notwithstanding the said Proclamation to bringe in 55000 w^{tt} from the two plantations whereof the Companie for Virginia did bestowe their whole part vpon the other Companie, S^r Thomas Roes yeare beinge ended, the same Contract hath bin vndertaken this yeare by m^r Iacobe, though not at the same rent who contrariwise hath procured (as he hath bin informed,) a co^mmaundment to the Companie to bringe in all their Tobacco, w^{ch} it seemed was to the no greater content of the Companies, then the first restraunte from bringinge in any at all without lycense: These troubles as they all knewe had befallne the Company by reason of those Contract^e for sole Importaçon, and that not longe after in thankefullnes to his Ma^{tie} for prohibitinge the plantinge of Tobacco in this Realme (w^{ch} was donne without any suite from the Companies) The Companie of Virginia had yealded for 5 yeares to double their custome.

But the Lord Treasurer herevpon obseruinge what greiuous molestacions the Companies haue sustained from time to time in their proceedings by reason the said Contract was managed by others, did therefore nowe make offer thereof, to the Companies, that if they so liked, and should finde it to be for the good of their said Companies and the Plantations they might nowe contract with his Ma^{tie} for the

sole Importaçon of all Tobacco whatsoever: So that it was nowe to be considered whither they thinke it more fitt for them then any other to entertaine this Contract with his Ma^{tie} w^{ch} he said was the first pointe to be resolved on in this buissines.

After longe pause and much dispute, it was desired at length it might be put to the question w^{ch} was proposed in this manner. [39]

Whither the Companies of Virginia and Suñer Ilands thought fitt to entertaine this contract with his Ma^{tie} for the sole Importaçon of Tobacco vpon such condiçons as should be agreed on or suffer the same to be entertayned againe by some other: Herevnto the Court generally signified their wilignes and consent to entertaine the said Bargaine.

The second question proposed by S^r Edwin Sandys to be considered of, was at what rate this Contract should be concluded vpon, there hauing bin a fourth part of the Tobacco offered to his Ma^{tie} w^{ch} would not be accepted.

In declaraçon whereof S^r Edwin Sandys further signified, that my lo: Treasurers speach was that seeinge his Ma^{ty} proffitt was to be raised onely by Sale of Tobacco and not in certainty of money, he was so to provide, That the Kinge his M^r were noe looser by this bargaine: to prevent w^{ch} bee hauinge duely calculated the medium of Tobacco that haue bin brought in the last seauen yeares and considered of all circumstances incident herevnto, he said he could demaund no lesse then a Third part of the Tobacco for his Ma^{ty}.

S^r Edwin Sandys further signified that the Comittee entringe into consideraçon of this pointe founde by the ratē that the Tobacco is nowe sold at that they paid alreadie litle lesse then a Third parte, all chargē considered. As for the custome insisted vpon for the Kinge, It was presumed the price of Tobacco would heareby be so much aduanced as would giue the Companie a convenient retribuçon.

The Co^mittee further informed the Companie that my Lo: Treasurer said that if the Companie shall at any time desire to transporte the

Tobacco w^{ch} they cannot vent here at home into any forraigne part℄, it shalbe free alwayes from Custome.

It was further intimated, that it was intended that the King℄ part of the Tobacco and the Companies shalbe sold together and not deuided till the moneys therevpon be raised.

As for the intricacy w^{ch} was supposed would happen in the sale thereof, in reguard of the different goodnes of the Tobacco (whereby it was conceaued men would be the more ~~willinge~~ careles in the makinge and curinge thereof, if once they vnderstand it shalbe sold confusedly together) Answere was made it should be sorted and valued accordinge to the goodnes: Wherevpon it being agreed to put it to the question whither the Companies did not thinke it better to contract for the sole Importaçon and sale of Tobacco and yeald a full third part thereof to the Kinge ouer and aboue their part℄ of auncient custome rather then breake the bargaine with his Ma^{tie} The whole Court did generally agree to giue a Third. [40]

The third question offered to their consideraçon by S^r Edwin Sandys was touchinge the newe Proposition of bringinge in a quantitie of Spanish Tobacco, against w^{ch} S^r Edwin Sandys signified the eight reasons lately read were opposed beinge conceaued it would in effect cleare crosse the two mayne endes proposed to this Contract namely his Ma^{ty} proffitt and the benifitt of the Plantations But his lo^p returninge answere that this was a matter of so great importance and consequence as could not be dispenced with, The Comittees herevpon did endeauo^r to qualifie it with such limitaçons as had bin before recited from w^{ch} as they had bin also since informed his lp: did not dissent.

This pointe beinge a longe time debated by the Companie, a question was moued whither in case the 40000 w^{tt} proposed beinge transported into any other forraigne part℄ and not into England would be allowed the Kinge havinge his Third duely paid him.

It was conceaued it must first be imported otherwise it would not satisfie, but yet if then it could not be here vented there was noe doubt, but they might freely export it to the best Markett℄, Some were also

of opinion that the Kinge would gaine but litle by the bringinge in of Spanish Tobacco, in regard so much the more of the Companies Tobacco must be transported elsewhere for want of Sale, At length at the request of the Companie it was put to the question; namely whither the Companies did not thinke it best for them to vndergoe this condiçon of bringinge in yearely 40000 w^{tt} of Spanish Tobacco for the two next yeares onely with those other qualificaçons, w^{ch} had bin formerly read rather then to breake the Contract intended with the Kinge: The Court did generally declare themselues willing to vnder-take it: Prouided that casualty at Sea be excepted, and those other condiçons graunted that haue bin alledged.

The next question offered by S^r Edwin Sandys to their consideraçon, touchinge the addiçon of charges, namely the matter of Garbellinge and freight: Touchinge the first it was alledged by some of the Companie, that it appeared the Companies had two stringē to their Bowe, namely the benefitt of the coñon Lawe, and the power of the Kings Letters Patents formerly graunted to them.

It was also informed by other of the Company that this Patent of Garbellinge beinge questioned by the lower howse at the last meetinge of Parliament was adiudged by all the Lawyers of that howse to be a greiuançe both in the Creation and (if euer it proceeded so farr) much worse in the execuçon.

Wherevpon it beinge put to the question whither the Companies thought it not fitt to proceed in this Contract and leaue the matter of Garbellinge in the State it is rather then otherwise to desist: The Court generally agreed to leaue it so, and to insist vpon the validity of their owne Patent and the benefitt of the coñon lawe if need be. [41]

The last question where it was alledged by S^r Edwin Sandys that the Lo Treasurer consented that the Kinge should beare his Third parte of all other charges after the arriuall of the Tobacco here, at w^{ch} time his interest vnto that Third did begin, but not to looke backe to any charges preceedent.

This pointe beinge throughly debated and with much opposiçon, The Companie at length desired it might be put to the question: w^{ch} was proposed after this manner: Whither they thought it not better to paye the whole freight of the Tobacco, That is to Saye, aswell for the Kings Third part as their owne, rather then to breake the bargaine with his Ma^{tie}: the Company by plurality of voices consented to paye the whole freight.

S^r Edwin Sandys likewise moued that for auoydinge difference or questions that might arise on the King^e part about the appointinge of Officers and allowances for their Salaries and for other charges about this buissines, that it might be added to the rest of the Articles, that the Companie may haue power to choose their said Officers, and that their Salaries and all other charges be rated and sett downe by them in their generall Court^e and that vpon their Account the entire charges be defalked and allowed.

These buissinesses beinge thus ordered the last thinge taken into consideraçon was the reducinge of the whole Contract by writinge into Articles to be presented to the Lord Treasurer the next daye, w^{ch} Articles beinge assented vnto by his lp: are to be offered to the iudgement of the Quarter Court held on Wedensday next to be finally concluded and confirmed.

Wherevpon the Court entreated S^r Edwin Sandys to take the paines to drawe vp the said Articles, and beinge perfected the Court humbly entreated the Ea: of Southampton together with S^r Edwin Sandys to repaire to the Lord Treasurer some time to morrowe about the premisses.

A moçon was made for diuers Patent^e to be made readie against the Quarter Court, for w^{ch} order was giuen for the drawinge of them: And further ordered that the Patent^e and some other buissinesses should be read and ordered by the morning^e Court that daye. [42]

AT A QUARTER COURT FOR VIRGINIA
HELD ON WEDENSDAY IN THE FORENOONE
THE THIRD OF IULY 1622

PRESENT

S ^r Edwin Sandys.	m ^r Gibbs.
m ^r Io: ffarrar.	m ^r Binge.
m ^r Noch: ffarrar.	m ^r Gookin.
m ^r Roberts.	m ^r Meuerell.
m ^r Wrote.	m ^r Mellinge.
m ^r Smith.	with diuers others.
m ^r Caswell.	

The Court gaue order that a Receipt should be sealed for 47^h 16^s w^{ch} the gentlemen and marriners had giuen to the East India Companie to be employed in layinge the foundaçon of a Church in Virginia.

The Court thought fitt to make Capt: Martin Prin (the Captaine of the Royall Iames) a freeman of the Companie and to giue him two shares of land in reguard of the large contribuçon w^{ch} the gentlemen and Marriners of that Shippe had giuen towardē good worke in Virginia whereof he was an especiall furtherer.

The Court thought fitt likewise to make m^r Thomas Kerridge, (the Comaunder of the East India ffleet that last came home) a freeman and to giue him two shares of land in the same reguard.

The Court vnderstandinge that m^r Robert Carles beinge a man that had liued Twenty yeares in the West Indies and 16: yeares in the

East Indies beinge likewise verie skillfull in orderinge curinge and plantinge of Rice Cotten-woole Sugar-Canes, Indico, Cassado, Root℥, &c, of some whereof he had written a Treatise and besid℥ was in part determined to goe himselfe to Virginia: It was thought fitt to bestowe on him one share of land, old Aduenture and to make him a ffreeman.

The Court thought fitt also to make m^r Swayne (M^r of the Hart that last came ||home|| from the East Indies) a freeman and to giue him one share of land.

The Court thought fitt likewise to make m^r Sam: Seaward (of Oxford Bachelo^r of Diuinity) a ffreeman, he in the rehersall sermon havinge manifested a great zeale to the Plantation.

The Court likewise thought fitt to make m^r Launce a ffreeman vnderstanding that he was a continuall remembrancer of the Plantation in his Prayers. [43]

The Court thought fitt to bestowe a freedome vpon m^r Pemberton a Minister of God℥ word, intendinge forthwith to goe to Virginia and there to imploye himselfe for the convertinge of the Infidell℥.

M^{rs} Mary Tue Daughter of Hugh Crouch beinge the heire and Executrix of Leiutenant ||Richard|| Crouch did sett and assigne ouer in this Court i50 Acres of land, w^{ch} he said Leiutenant Crouch did bequeath vnto her by the name of Mary Younge his Sister, w^{ch} land was for three Servant℥ psonall Aduentures, and lyes at Newports Newes. the said land Shee assigned ouer to m^r Daniell Gookin.

The said Mary Tue likewise assigned 100: acres of land w^{ch} lies in Diggs his Hundred to Samuell Iordan of Charles Hundred gentleman.

There was read a Grant of 18 Shares of land of old Aduenture to Capt Dan: Tucker, for three whereof he paid in ready money §after§ 12^{li} 10^s the other fifteen were giuen him for his good seruice by an order of a Quarter Court.

These Patents followinge were read and compared and found to be right and therefore recomended them to the Afternoones Court for confirmaçon.

The Lady Berkley	}	Aduenturers
m ^r Tho: Addison		
m ^r Edw: Iohnson		
m ^r Edw: Palmer		
m ^r W ^m ffelgate		
m ^r Fran: Peeke & ^c		
m ^r Iohn Harvy	}	Planters
m ^r Iohn Pemberton		
m ^r W ^m Rowsly		
m ^r Dan: Gookin		
m ^r Chris: Hillary		

The Court thought fitt to giue the Companies Seale to m^r Clarke for the two shares bestowed vpon him but not a Patent except he will couenant to carry some persons.

The Lo: Cauendish	m ^r Caswell
m ^r Gibbs	m ^r Smith &
m ^r Wrote	The two Deputies

are earnestly desired by the Court to treat with the Citty about the Children that are to be sent this yeare to Virginia and to make the best bargaine for them they can. [44]

The Court haue likewise thought fitt that m^r Pountice formerly appointed Vice admirall in Virginia haue 6 of the said Children sent him this yeare to be placed vpon the Landes belonging to his said office and 6: the next yeare.

The placeinge and entertainement of m^r Copland in Virginia being referred by the former Court to the consideraçon of a Co^mittee they hauinge accordingly aduised about it did nowe make report of what they had donne therein as followeth (vizt).

1 ffirst they thought fitt that he be made Recto^r of the intended Colledge in Virginia for the conversion of the Infidell^e and to haue the pastorall charge of the Colledge Tenant^e about him.

2 In regard of his Rectorshippe to haue the Tenth part of the proffitt^e due to the Colledge out of their land^e and arisinge from the labors of their Tenant^e.

3 In regard of his pastorall charge to haue a personage there erected, according to their generall order for parsonages.

And for that it was nowe further moued that he might be admitted of the Counsell there, it was referred to the former Co^mittee to consider thereof and of some other thing^e propounded for his better accom^oda^on there.

Vpon mo^ocon that the ~~Virginia~~ Companie would please to make the Right Hono^{ble} the Lo: Marquesse Hamilton free of this Companie and of the Counsell in regard of his Noble affec^on to this Planta^on; The Court most gladly assented therevnto.

Vpon the like mo^ocon in the behalfe of S^r Edward Barkham the Lo: Mayo^r of this Cittie and m^r Henage ffinch Recorder, in regard of their well wishinge to this Planta^on and readines to doe the Companie seruice this Court haue made them free ||and|| of the Counsell.

The like fauo^r in regard of their worthines the Court hath afforded to these followinge. vizt

S^r Edw: Conway.

S^r Tho: Couentry his Ma^{ty}s Atturney Generall.

S^r Hen: Mildmay m^r of the Iewell howse.

Do^r Io: Duⁿ Deane of Paules.

The Court haue agreed to reco^mend m^r Hopkins Minister vnto the Gouverno^r of Virginia in respect of that good comenda^on that m^r Edw: Allen hath giuen of him beinge desirous to goe ~~and~~ ||ouer|| at his owne charge.

Two Bill^e of Aduenture vnder the Companies Seale were presented to the Court, w^{ch} were not acknowledged in the Printed Booke, the one of m^r Robert Strutt for 50^{li} the other of Iohn Strutt for 25^{li} both their names beinge lefte out of the said Booke. [45]

The like omission is found of m^r Iohn Iolles whose Aduenture was 25^{li}.

ffrancis Carter passed ouer 16 shares of land in Virginia to m^r Edward Palmer of the Middle Temple London esquire with allowance of the Auditors and Approba^on of this Court: the said Shares beinge parcell of the later 40 Shares assigned vnto him from the Right Hono^{ble} the Lady D'Lawarre.

Hee passed also one share of land more of the said parcell of Shares vnto m^r Edw: Butler gent.

AT A QUARTER COURT HELD FOR
VIRGINIA ON WEDENSDAY IN THE
AFTERNOONE THE 3^o IULY 1622

PRESENT

the Right Honorable ~~Ea: of Deuon~~
Ea: of Southampton.
||Ea: of Deuonshire.||
Lo: Cauendish.
Lo: Padgett.
Lo: Maynard.

S ^r Edw: Sackuill.	m ^r Palmer.	m ^r Newport.
S ^r Tho: Iermyn	m ^r Caswell.	m ^r Sparrowe.
S ^r Edwin Sandis.	m ^r Ditchfeild.	m ^r Ley.
S ^r Sam Sandis.	m ^r Bromefeild.	m ^r Peirs.
S ^r Phil: Carey.	Capt: Iefford.	m ^r Bull.

S ^r Io: Brooke.	m ^r Moorer.	m ^r Bayham.
S ^r Io: Dāuers.	m ^r Nicholle.	m ^r Geo: Smith.
S ^r Ro: Killigrew.	m ^r Iefferies.	m ^r Bolton.
S ^r Walter Earle.	m ^r Seaward.	m ^r Robert℄.
S ^r Tho: Weineman.	m ^r Boothby.	m ^r Wiseman.
m ^r Nich: ffarrar Dpt̃.	m ^r Cranmer.	m ^r ffelgate.
m ^r Gibbs.	m ^r Swinhowe.	m ^r Essington.
m ^r Edw: Iohnson.	m ^r Mellinge.	m ^r Bagwell.
m ^r Wilmer.	m ^r Meuerell.	m ^r Iacobson.
m ^r Brooke.	m ^r Kirby.	m ^r Leuer.
m ^r Earle.	m ^r Winch.	m ^r Harrison.
m ^r Tomlins.	m ^r Bennett.	m ^r Mole.
m ^r Wrote.	m ^r Collett.	m ^r Couell.
m ^r Io: Smith.	m ^r Berblocke.	m ^r Stephens.
m ^r Ro: Smith.	m ^r Withers.	m ^r Scott.
m ^r Io: ffarrar.	m ^r Hart.	m ^r Ruggles.
m ^r Dike.	m ^r Stephens.	with diuers others.
m ^r Bond.	m ^r Waterhowse.	
m ^r Binge.	m ^r Barkham.	
m ^r ~~Palmer~~ .	m ^r Wainewright.	
m ^r Hackett.		
m ^r Butler.		
m ^r Penistone.		

After the readinge of the Quarter Court in May last there was read the Court of the 19th of Iune followinge ~~beinge put of till this Court to be read,~~ wherein amonge other thing℄ of note were read diuers petiçons that had bin preferred to his Ma^{tie} against the Virginia Companie, as namely that of Capt: Martin wherein he complayned that the Virginia Company denyed him the fruiçon of those priuiledges they had graunted vnto him in his Patent: Vnto w^{ch} complaint [46] the Companie had formerly made their Answeare by writing: The second petiçon was by Capt: Martin and Capt: Hazell together, who intituled his Ma^{tie} to a large parte of Virginia contayninge 80 miles in circuite sett out by S^r Thomas Dale as the Kings fforrest

wherevnto the Company had also giuen their Answere to S^r Christo: Perkins (vnto whome his Ma^{tie} had referred these petiçons) as likewise had answered two other petiçons in the name of one Dixon and W^m Kempe: Also another Petiçon was exhibited by Captaine Baylie in the name of Captaine Somers wherein he had entituled the Kinge to the Sumer Ilands and to 12000^{li} of Ambergreece wherevnto they had likewise made their Answere, as may appeare by the said Court.

After this vpon occasion of a petiçon exhibited to the said Court by Elizabeth Smalley Widdowe for deliury of a fower oxen shee pretendē vnto, in Virginia, There was related the proceedingē of the said Widdowe Smalley against Captaine Argall and the cause of her Retractaçon of what shee had formerly complained of to the Kinge in her petiçon against him, confessinge freely that the said Capt Argall caused that Retractaçon to be made at the Do^{rs} Commons refusinge to sett ouer her Husbands Executorshippe vnto her vntill Shee had first sett her hand and Seale to that writinge: The matter whereof (shee said) Shee did not well vnderstand; Contrariwise shee iustified her former complaint made to the Kinge against Captaine Argall, protestinge shee was by noe other meanes moued therevnto but by the wrongē he had donn her and that the petiçon was drawne by a freind of hers at her request dwellinge in Tower streete.

Herevpon S^r Edwin Sandys tooke occasion to declare howe vnworthily Captaine Argall had conceaued a suspicōn against him as well touching the said Widdowe Smalley (as if he had incited her to this complaint against him,) as also touchinge some former proceedingē held against the said Capt: Argall for depredaçon of the Colony in the time of his beinge Deputy Gouverno^r. Whereas S^r Edwin Sandys declared that at the time of his cominge to be Treasurer he founde the same complaintē made against Captaine Argall by S^r Tho: Smith and Alderman Johnson then Treasurer and Deputy as may appeare by their Letters sent to the Lord De: Lawarr and Captaine Argall himselfe charging him perticularly with these thingē w^{ch} Letters were read and entred in the said Court, whereby S^r Edwin Sandys said

when he came to be Treasurer he was ||tyed|| both by the Duty of his place and ~~vpon~~ ||by vpon|| his oath to bringe those matters to some heade wherewith Captaine Argall stood ||stil|| charged: In w^{ch} proceedinge he said he had donn nothinge but by the Counsell^e direc^on and aduise.

Hee further also signified that true it was that one thinge fell out in his yeare of beinge Treasuror namely the sendinge out of Captaine Argalls Shippe both victualled and manned from the Colony into the West Indies whereof complaint beinge made from the Gouverno^r and Counsell in Virginia as of an Act that might worke their vtter [47] extirpa^on, he could no lesse then giue notice thereof accordinge to his oath to the Lords of his Ma^{ty} Priuy Counsell, wherein he did nothinge otherwise then by the direc^on of the Gouverno^r and Counsell and with as much modera^on as the cause could possibly beare.

After w^{ch} declara^on it was generally pressed by the Company that the Co^mittees appointed to call Capt: Argall to Account for the great losses w^{ch} both the Companie and Colony had sustained (seeinge they had as yet donn nothinge therein,) they would nowe proceed in that buissines with all expidi^on and dilligence that vpon their report some further course may be taken therein at the next Quarter Court. After this narra^on two other Court^e were read the one of the fift of Iune, the other of the first of Iuly followinge beinge the Præparatiue Court, both w^{ch} contained a full declara^on of the proceedinge of the Co^mittees chosen out of the Virginia and the Su^mer Ilands Company touchinge the Contract to be made with his Ma^{ty} by the said Companies for the sole Importa^on of Tobacco nowe offered vnto them by the Lord High Treasuror of England, concerninge w^{ch} the said Co^mittees havinge consulted longe about it, after mature delibera^on had therevpon, offered vnto the considera^on of the Lord Treasuror certaine Propositions w^{ch} are entred verbatim in the said Court In Answeare wherevnto his lp: deliuered three exceptions vnto w^{ch} the Co^mittees had also made replie with an addi^on of certaine Clauses agreed vnto to be inserted in the Contract, havinge bin omⁱtted in the first Propositions: After this a newe Proposition came from his lp:

concerninge the bringinge in of §60000: w^{tt} of § Spanish Tobacco or otherwise to pmitt 40000 waight to be brought in by some other: W^{ch} Proposiçon for somuch as it seemed to repugne the mayne endes of their first intençon they opposed it with eight reasons: Howbeit it beinge afterward made knowne vnto the said Co^mittees that the bringinge in of Spanish Tobacco for a certaine time, was of that importance as might not be omⁱtted The Co^mittee therevpon applied their endeauo^{rs} to the best of their vnderstandinge to sett downe some meanes of qualificaçon of the said newe Proposition so as it might be least preiudiciall to the Plantations: Wherevpon they thought fitt to restraine it to three lymitaçons namely that the Couenant of bringinge in Spanish Tobacco might be lyimited to two yeares and no longer, Secondly that they would be bounde to bringe in no more then 40000^{w^{tt}} of Spanish Tobacco:

Thirdly that it be with this Prouiso that the Spanyards raise not the prices nor the custome, nor laye other burdens vpon it, and that the markett in Spayne be open and free as formerly they haue bin.

And in regard of the appearance of Damadge and danger that might ensue to the Plantations by this newe Proposition the Co^mittees thought fitt likewise, that the whole Contract should be extended, but to three yeares in certaine, and afterward for fower yeares more, Yet so, as the Companies to be at liberty to dissolue the Contract vpon a yeares warninge giuen at the end of the second yeare or any yeare after, All w^{ch} proceedings are at large related in the said Court of the 29th of Iune last. [48]

It was also signified that this buissines was againe propounded and debated in the Preparatiue Court, and after all reasons fully heard and discussed each of the former Propositions was againe seuerally put to the question and by a generall consent of that Court approued as may appeare; At w^{ch} time the Court entreated S^r Edwin Sandys to reduce the whole Contract by writinge into Articles and to offer the same to my Lo: Treasurer, w^{ch} beinge assented vnto might afterward be referred to the iudgement of this great and generall Quarter Court to be finally concluded and confirmed.

Herevpon S^r Edwin Sandys tooke occasion to signifie that accordinge to the request of the former Court, he had drawne vp the said Articles, and after he had donne, not trustinge to his owne iudgement therein had imparted them to the Deputies of both the Companies, whose approvinge thereof, he after deliuered them to the Lord Treasurer who havinge perused them tooke fower exceptions against them, the first was to these words of the fourth Article namely against the offer of a Third part of the Tobacco imported and vented whereas his lp: required a Third of all the Tobacco, ||brought out of Virginia|| And said further that his Ma^{ty} right and propriety to a Third did growe vpon the first arriuall of the Tobacco here the second exception was vnto the shortnes of the time lymited ||for the bringing in of Spanish Tobacco|| beinge but for two yeares onely w^{ch} his lp: thought too litle and therefore desired it might be enlarged to three yeares at least The Third exception was to the restrayninge of the Contract from seauen yeares to three yeares in certaine: The 4th exception was against the medium of the Custome of Ireland w^{ch} could not be graunted because the medium thereof was not as yet certainly knowne: Lastly his lp: aduised the Companie not to stand vpon their priuiledge against the Patent of Garbellinge, but to compound with the Patentees whome his lp: presumed they should finde verie reasonable.

But S^r Edwin Sandys signified that the Lord Treasurer had since sent a more fauourable Answeare vnto the Companie touching the same exceptions, for being informed that the Tobacco in Virginia had three seuerall proprietors, as first the Tobacco belonginge to the Companie, Secondly the Tobacco belonginge to perticular Societies and Plantacons, Thirdly the Tobacco belonginge to priuate men, (acquired either by purchase or by their psonall Aduenture) the Companie ouer the two later sorte had no power to prohibite or authority to comānd them to bringe their Tobacco hither, but were free and at liberty by their lawes and grauntē to carry their Comodities to what markettē they please. Wherevpon S^r Edwin Sandys said that the Lord Treasurer desisted from this first Proposition, and did nowe require no more Tobacco to be brought in, then the Companies shall thinke fitt: but

of that w^{ch} shalbe brought in he required a Third for the Kinge, and further desired that the worde Vented might be lefte out of that clause: Secondly whereas his lp: desired the two yeares of bringinge in Spanish Tobacco might be enlarged to three yeares: His lp: was contented, it should passe for two yeares onely if the Company stooke much at it; But desired that a Co^mittee might be appointed [49] to consider what sort^e of Spanish Tobacco should be brought in: Thirdly whereas it was desired the Contract might continue for seauen yeares in certen, his lp: was pleased to put it to the Companies choise, either to hold this farme for seauen yeares or otherwise that it might be free aswell for his Ma^{tie} as for the Companie to dissolue the bargaine at the three yeares end:

Touchinge the fourth exception against the medium of the Irish Custome, it was conceaued, the reason formerly alledged would giue the Companie satisfac^on.

After this the Court entred into a serious considera^on and examina^on of the premisses and havinge duely pondered all the reasons and circumstances that were both nowe and formerly deliuered and fully debated vpon, did at length desire that they might seuerally be put to the question w^{ch} accordingly was donn after this manner vizt.

ffirst whither the Companie did thinke fitt to yeald to the Lord Treasurers Proposition by grauntinge a Third part of all the Tobacco they should thinke fitt to bringe in and to leaue out the word vented The Court generally agreed to yeald a Third and ||to|| leaue out the word vented as the Lord Treasurer desired.

Secondly it beinge put to the question whither the Companie would enlarge the two yeares to Three for bringinge in of Spanish Tobacco according to the Lord Treasurers Proposition, The Court by no meanes would yeald therevnto, but generally insisted vpon 2 yeares and no longer.

Thirdly it was put to the question whither the Companie would appoint a Co^mittee to consider what sort^e of Spanish Tobacco should be imported accordinge to the Lo: Treasurers desire; the Court generally agreed therevnto.

ffourthly whereas the bringinge in of Spanish Tobacco is vpon condiçon that the Spanyards enhaunce not the price thereof vpon the Grant of the Contract (knowinge the certaine quantitie that must be brought in by the Companies), My Lord Treasuror desired it might be so farr explained and intended that the Spanyards do not herevpon purposely and by practise endeauo^r to enhaunce the price of their Tobacco, w^{ch} explanaçon the Court agreed should be made of the wordes touchinge that Clause.

ffiftly it was put to the question whither the Companie would be tyed in this Contract for seauen yeares ||or only three yeares|| in certen, and then his Ma^{tie} aswell as themselues to be at liberty to dissolue the Contract: This point was much disputed ||vpon|| some desiringe it might hold but 3 yeares in hope of a better bargaine at the three yeares end & the rather because the time of the 6^d a pound imposiçon vpon their Tobacco, would then be expired, but others feared a much harder bargaine might then be put vpon them: Whervpon after all reasons were discussed, beinge put to the question, it was by plurality of voices agreed, that the Contract should hold for seauen yeares. [50]

Sixtly it beinge put to the question whither the clause for the medium of the Irish Custome should be strooke out seinge it could not but be estimated what it might come vnto beinge a Custome newly established The Court did generally agree to haue it strooke out.

Seauently touchinge the Patent of garbellinge, the Court haue agreed it shall not be so much as named in this Contract but they would stand to the Tryall of lawe for their right.

Eightly whereas in the fourth Article instead of the word vented they had put in Landed but did not knowe as yet whither my Lord Treasuror would assent therevnto (but the Co^mittee hoped and promised they would do their best to perswade his lp: to admitt it) It was put to the question whither in case the Lord Treasuror should not allowe thereof the Companie did thinke it fitt to breake this intended bargaine with the Kinge, Herevpon the Court resolved generally that the putting out of that word Landed should not breake the bargaine with his Ma^{tie}.

All exceptions beinge thus cleared the Propositions were againe read all ouer, and the alteraçons also that had bin made therevpon w^{ch} beinge donne, the Ea: of Southampton praid the Companie duely to consider of them and not to spare in so waightie a buissines as this was that so nearely concerned them all to giue their best aduise and Counsell therein, it beinge free for any man to speake his minde with it or against it as his owne hart or reason should perswade him.

After a longe pause for somuch as it appeared no more could be said then had bin formerly deliuered, My Lo: at length at the request of the Court put the Propositions to the question, whither they did agree and fully consent that this Contract should goe forward to be made with the Kinge for the sole importaçon of Tobacco vpon such condiçons as had bin formerly proposed; The whole Court with one vnanimous consent signified their approbaçon of it, ratifyinge and confirminge the said Bargaine, by a generall erecçon of hande without contradicçon saue onely one hand held vp against it.

||M^{dm} the Propositions agreed on concerning y^e Contract should be here entred.||

69 Proposicons agreed s^{on}s by the Treasurer and Company for Virginia in a greate and generall Quarter Courte held on Wedensday 3^o Iuly 1622 touching a Contract to be made with his Ma^{ty} for the sole importaçon of Tobacco: Which Proposiçons they desire may be ratified by the Right Hono^{ble}: the Lord High Treasurer of England.¹

1. That the sole importaçon of Tobacco into the Realmes of England and Ireland be graunted by his Ma^{ty} Lres Patent^e vnder his greate seale to the Companies for Virginia & the Sumer Iland^e.

2. That his Ma^{ty} by Proclamaçon inhibite all others During the tyme of this Contract vnder payne of confiscacõ of their Tobacco and his Ma^{ty} high Displeasure.

3. That likewise the planting of Tobacco in England and Ireland be forbidden by the same Proclamaçon during this contract vnder a grievous penalty. And that the Tobacco that shalbe found to be planted in England this yeare may by vertue of the former Proclam^{an} be confiscated.

¹ This document is bound into the manuscript volume and is written on two and one-half pages of paper eleven and one-half inches long and seven inches wide. The writing is that of the body of the text. The paper is endorsed on the back as though having been filed away, and may be the original draft of the Proposition.

4. In consideraçon whereof, as also for that the Companyes shalbe discharged from all other payment℥ for Tobacco to his Ma^{ty} (excepting onely the ancient custome sett downe in the printed booke of Rates of vj^d p^u for Roll Tobacco & 4^d for Leafe) the Companies shall pay to his Ma^{ty} the cleere proceed of a full third parte of all the Tobacco that shalbe yearely ymported and Landed by them in either of these Two Realmes During the sayd Contract. Provided allwayes that the sayd Companyes shall not be constrayned to importe any more Tobacco of y^e growth of the two Plantaçons into eyther of these Realmes then themselves shall thinke fitt.

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5. And touching the sayd Custome, that his Ip be pleased to cause it to be reduced to amedium for these seauen yeares Last past ending at Michas 1621: And for as much as the Medium of the quantity of Tobacco brought into this Realme of England those 7 Last yeares, hath bin already Deliuered to amount to 142085⁴ It is further desired, that by a new examinaçon, it may be more perticularly sett downe, how much thereof was Roll Tobacco and how much was Leafe because of the different Customes: And that the whole may be reduced into a certen somme of money, of wth some one third to be payd by the King and Two thirds by the Company℥, and the Customers to make noe further demaund for any Tobacco, either imported or exported by the sayd Companies during the tyme of this Contract.

6. The Companyes be content, that his Ma^{ty} be Disburdened, from all payment℥ for the freight of Tobacco imported from the Two Plantaçons or from any other forraigne part℥ into either of these his Realmes: But Desire, that after the first ariuell of the sayd Tobacco from either of the sayd Plantaçons or other forraigne Dominions, his Ma^{tie} be pleased to beare one Third parte of all charg℥ whatsoever incident to the sayd Tobacco, aswell for the Landing, carying and howsing thereof, as also for the keeping, tending, curing and sorting of the same; And likewise for the transporting it, whither by sea, fresh water or Land into diuers part℥ of either of these his Ma^{ties} Realmes, there to be sold and distributed: Also that his Ma^{ty} beare a full third parte of all Salaries Due to Officers, ffactors and Agent℥ and to all other Ministers and Servant℥ to be ymployed in any sorte wthin eyther of these Realmes about the sayd Tobacco or other busines whatsoever incident to this Contract: Wth salaries to be appoynted and sett down by the said Companyes in theyr generall Court℥, where and by whome likewise, the sayd Officers, Agent℥, ffactors, Ministers and Servant℥ shalbe chosen: And likewise that his Ma^{ty} beare one Third part of all cost℥ and charg℥ in suite℥ of Lawe for any matter or busines concerning the sayd Tobacco, or for recouery of any Debt℥ from thence arising and finally for all other charg℥ whatsoever necessary or convenient for the well ordering of the sayd Tobacco and for making the best profit to the vse of his Ma^{tie} & the Companyes aforesayd.

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7. That the Tobacco to be brought in, be consigned all into one hand (vizt) of such Officers as the sayd Companyes shall appoynt; And that the sayd Companyes haue the sole managing of the sayd sale of Tobacco, yeilding vnto his Ma^{ty} a true & perfect Accompt thereof, and paying the cleare profit w^{ch} shall growe Due vnto his Ma^{ty} & come vnto theyr hande vnto such as the Lo: Treasurer shall appoynte to receaue the same; In w^{ch} account all the sayd chargē to be allowed and defalked as aforesayd.

8. The Companies wilbe contented to be restrayned from the bringing in, of any Spanish Tobacco aboue the quantity of 60000 waight a year and to be tyed likewise by couenant for the bringing in of 40000 waight of the sayd Spanish Tobacco for euery of the first two yeares only of this Contract and noe longer; Vpon condiçon notwithstanding, that the King or State of Spayne Doe not rayse the Custome for Tobacco or other burdens imposed vpon it, aboue the Rates they are now at, or impose any new charge and vpon condiçon also, that the price of Tobacco at w^{ch} it is now sold in Spayne be not enhaunced, and that the market of Tobacco in Spayne be in all respect as free as formerly they haue bin; or otherwise the sayd Couenant for bringing in of Spanish Tobacco to be voyd and discharged: Provided also, that if any of the sayd quantity of Spanish Tobacco Doe in any wise miscarry by any casualties at Sea, that in that case the sayd Companyes shall not be bound to restore the proporçon so lost by ~~any~~ any new pvision.

9. They Desire, that there may be a rate sett aswell in his Ma^{ty} sayd fres Patent, as in his sayd Proclamaçon of the price or prices of Tobacco, aswell for the merchant, as for the Retaylor and vnder a grievous penalty; w^{ch} prices neuertheles to be sett downe by the sayd Companyes vpon full Debate of all reasons there to incident.

10. They likewise Desire, that there may be inserted in the contract a graunte or couenant from his Ma^{ty} agaynst the graunting of Licencē to Retaylor^s of Tobacco: So that the sale thereof may remayne free as hitherto it hath Done.

11. That his Ip be pleased to take a stricte course for the p^lventing of all vndue bringing in of Tobacco by other meanes.

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12. That his Ip be likewise pleased for the p^lsent to take order for the preventing of the bringing in, of any Spanish Tobacco more then the Allowance already sett Downe for this yeare.

13. That all confiscacions & other penaltyes vpon this Contract be Deuided into Three part, the one part to his Ma^{ty} vse, the other to the Companyes, the third to the Informers.

14. That if any confiscation of Tobacco shall happen betweene this & Michaelmas next the same may be for the uses aforesayd, w^{ch} if it cannot be graunted, that yet at leastwise the Tobacco soe confiscated may be sent out of the Realme to be sold elsewhere, and not to cloy these kingdomes therewth, w^{ch} would tend aswell to the Dammage of his Ma^{tie}, as of the Companies.

15. That his Ip be pleased at the begining of the tyme to be limited by this Contract to giue order for a Survey to be taken of all the Tobacco and the seuerall growths thereof, then remayning in these his Ma^{ties} Kingdomes, wth such prouision as may be most proper to discouer any vndue bringing in, of any Tobacco from that day forward.

16. That this Contract begin at Michas 1622 and continue for the space of 7 yeares then next ensuing.

17. That his Ma^{ties} graunte may be Drawne & construed in most beneficiall manner for the Companyes behoofe and for the advancement of the sayd Plantations (his Ma^{ties} profit as aforesayd reserued).

Propositions agreed on in a
Quarter Courte held for
Virginia the 3^o of Iuly
1622 touching a Contract
to be made with his Ma^{tie}
for the sole importation of
Tobacco.¹

These thinge ordered by the morninge Court were nowe againe read and confirmed as namely the Receipt ordered to be Sealed for 47^{li} 16^s w^{ch} the Gentlemen and Marriners of the Hart hath giuen to the East India Companie to be imployed in layinge the foundation of a Church: It being signified that those of the Rubucke also had giuen a Sume of money in that kinde.

These followinge were likewise ||then|| made free of this Companie Capt: Martin Prinn Captaine of the Royall Iames who had likewise two shares of land confirmed vnto him.

¹ This endorsement is on the back of the fourth page of the inserted paper.

M^r Thomas Kirridge Comaunder of the East India f fleet that came last home who had also two shares of land giuen him. [51]

3 m^r Robert Carles who had liued 20 yeares in the West Indies and 16 yeares in the East Indies beinge but newly arriued out of his good affecōn to the Plantation havinge in writinge sett downe the orderinge curinge and plantinge of Rice, Cotten Woole, Indico, Sugar Canes C^r was made a ffreman and had one share of land confirmed vnto him.

M^r Swann M^r of the Hart, was likewise made a ffreeman and had one Share of land giuen him.

M^r Browne M^r of the Robucke had the like fauo^r donn him.

There were then also made free these persons followinge vizt
M^r Samuell Seaward of Oxford Bachelo^r of Diuinity.

M^r Launce Minister.

M^r Pemberton Minister (who intendē to goe to Virginia).

There were also made free and of the Counsell

The Lo: Marquesse Hamilton.

S^r Edw: Barkham knight Lo: Mayo^r of the Citty.

m^r Heneag ffinch Recorder.

Do^r Duñ Deane of Paules

S^r Edward Conway knight one of his maiesties most Hono^{ble} Priuy Counsell.

S^r Hen: Mildmay Knight M^r of the Iewell howse.

S^r Thomas Couentrie Knight his Ma^{ty} Atturney generall.

M^{rs} Mary Tues assignement of 150 acres personall Shares (bequeathed vnto her by Leutenant Crouch) lyinge at Newports Newes w^{ch} Shee nowe passed ouer vnto m^r Daniell Gookin was confirmed.

Also 100 acres lyinge in Diggs Hundred w^{ch} Shee passed ouer to Sam: Iordan was confirmed.

The Shares likewise passed in the morninge Court were nowe againe read and confirmed.

||The|| Patent^e also w^{ch} were then read and compared, were nowe put to the question and confirmed (vizt:)

Patent^e to

The Lady Berkely	}	All w ^{ch} both Aduenturers and Planters haue vnder- taken with their Asso- ciate to transport great multitude of people to Virginia.
m ^r Tho: Addison		
m ^r Ed: Iohnson		
m ^r Ed: Palmer		
m ^r W ^m ffelgate		
m ^r ffr: Peake		
m ^r Io: Haruy		
m ^r W ^m Pemberton		
m ^r W ^m Rously		
m ^r Dan: ~~Tucker~~ Gookin		
m ^r Hillary		

[52]

The Graunt of 18 shares to Captaine Daniell Tucker (whereof three be paide in readie money after 12^{li} 10^s p share, and the other 15 being giuen him for his good seruice) was nowe confirmed.

Also a graunt of two shares of land vnto m^r Iohn Clarke formerly giuen him and ordered to be confirmed to him vnder the Companies Seale were nowe accordingly ratified.

The Lo: Cauendish.

m^r Gibbs.

m^r Wrote.

m^r Caswell.

m^r Smith &

The two Deputies.

Are earnestly entreated by the Court to haue conference with the Lord Mayo^r and Aldermen of the Citty about the Children that are to be sent to the two Plantations and are to conclude and make the best bargaine they can for the Companie concerning them.

It is likewise ordered that six of the said younge men shalbe sent to m^r Pountice this yeare to be placed vpon the land belonging to his office as Viceadmirall and others ||six|| the next yeare.

The Co^mittee appointed for the Colledge for this present yeare ar these ensuinge (vizt)

S^r Edwin Sandys.

S^r Iohn Dauers.

m^r Gibbs.

m^r Io: ffarrar.

m^r Ro: Smith.

m^r Wrote.

m^r Barbo^r.

The report of the Co^mittee touchinge m^r Copland^e placinge and enter-tainment in Virginia was nowe read, they hauinge thought fitt he be made Recto^r of the intended Colledge there for the conuersion of the Infidell^e and to haue the Pastorall charge of the Colledge Tenant^e about him and in reguard of his Rectorshippe to haue the Tenth part of the proffitt^e due to the Colledge out of their land^e and arising from the labo^r of their Tenant^e, and in respect of his Pastorall charge to haue a Parsonage there erected accordinge to the generall order for personages w^{ch} this Court hath well approued of and haue likewise admitted him to be one of the Counsell of State in Virginia.

Thomas Read passed ouer (vnder his hand and Seale) 100 acres of land in Virginia scituate in Coxendale ouer against the Iland of Henricus Some part thereof beinge called by the name of Mount my Lady vnto [53] Edward Hurd of London Cittizen and Iron monger w^{ch} 100 acres was graunted vnto him by S^r Geo: Yeardley then Gouverno^r of Virginia vnder the Collonies Seale in reward of his 8 yeares good seruice in that Country: Wherevpon the said Assignem^t beinge put to the question was allowed and confirmed to the said Edward Hurd.

AT A COURT HELD FOR VIRGINIA
ON WEDENSDAY THE 17TH IULIJ i622

PRESENT

||the right hon^{ble}||Lo: Cauendish.
||S^r Edw: Sackuill.||

~~S^r Edwin Sackuill.~~	m ^r Penistone.	m ^r Woodall.
S ^r Edwin Sandys.	m ^r Geo: Smith.	m ^r Copland.
S ^r Phil: Cary.	m ^r Mellinge.	m ^r Chris: Earle.
S ^r Iohn Dauers.	m ^r Edw: Palmer.	m ^r Couell.
S ^r Iohn Brooke.	m ^r Iohn Smith.	m ^r Iefferson.
S ^r Edwin Sandys Iuñ.	m ^r Edw: Iohnson.	m ^r Robert ^e .
m ^r Nich ^o ffarrar Dep ^t .	m ^r Iadwin.	~~m^r Couell.~~
m ^r Gibbs.	m ^r Truloue.	m ^r Barkham.
m ^r Wrote.	m ^r Harrison.	m ^r Martin.
Do ^r Anthony.	m ^r Stephens.	m ^r Scott.
m ^r Binge.	m ^r Hith.	m ^r ffogge.
m ^r Barnard.	m ^r Morewood.	m ^r Ley.
m ^r Whitley.	m ^r Rogers.	m ^r Elkington.
m ^r Barker.	m ^r Wheatly.	m ^r Waterhowse.
m ^r Wilmer.	m ^r Ewens.	m ^r Barbo ^r .
m ^r Ayres.	m ^r Newport.	m ^r Gookin.
m ^r ffelgate.	m ^r Winn.	with diuers others.
m ^r Kirby.	m ^r Groce.	
m ^r Perry.	m ^r Leuer.	
m ^r Steward.	m ^r ffreake.	

M^r Deputy moued the Court in regard the time was farr spent they might begin to dispatch some ordinary buissines before the Lords came who were now employed about the Companies buissines whereof

at their cominge they should haue an Account: Hee likewise prayed that the Last Quarter Court might be put of till the next Quarter Court to be read, for somuch as neither himselfe nor the Secretary had as yet any spare time to perfect the same, w^{ch} was agreed vnto.

A mo^oon was made in the behalfe of Captaine Thomas Iones Captaine of the Discouery nowe imployed in Virginia for Trade and ffishinge that he might be admitted a ffreeman of this Companie in reward of the good seruice he hath there performed, The Court liked well of the mo^oon and condiscended therevnto.

francis Carter passed ouer one share of land vnto Iohn Hitch Cittizen of London beinge the last Share of the later 40 assigned vnto him from the Right Hono^{ble} the Lady D'Lawarre. [54]

Richard Bull passed ouer two shares of land in Virginia heretofore assigned vnto him by Henry Rowland Goldsmith, the one vnto Raph Bateman Cittizen and Grocer of London, the other Iohn Budge Cittizen and Stationer of London.

Mr William ffleete passed ouer three shares of land to his Daughter Katherine ffleete.

A mo^oon was made that forasmuch | as | m^r Truloue and his Associate intend to proceed in their Planta^oon beinge no whitt discouraged with this late Massacre of the English by the treacherous Indians are nowe settinge forth a Barke called the Truloue of London of about 46: Tun to Virginia they therefore desired the hono^{ble} fauo^r of this Court to graunt them a Co^mission for | the | said Shippe and Voyadge w^{ch} the Court agreed vnto.

Vpon the humble request of W^m Sheffeld peti^oninge for leaue to administer vpon the good^e (that are saued) of his Sonne Tho: Sheffeld lately slaine by the Indians w^{ch} good^e he desires to preserue for the vse of a Sonne of the said Thomas a Child about the age of twee yeares saued alieue in that bloudie Massacre, forsomuch as it was supposed this would proue a leadinge case, and the suite of many others

to be releued in: It was therefore thought fitt to referr it to a Com̃-
ittee to consider what power and authority may be graunted by the
Companie to the surviuinge frendē of Such as are slaine, or shall
hereafter decease to administer vpon the goodē lefte vnto them, and
what course may best be taken for recouery and preseruacōn of all
such goodē from losse and imbeazellinge to the vse and behoufe of
the true proprietors, to this end the Court hath appointed

m ^r Gibbs.	m ^r Wheatly.
m ^r Binge.	m ^r Gookin.
m ^r Iohnson.	m ^r Procter.
m ^r Rob: Smith.	

or any fower of them to meete on ffriday next the 19th of this present
Moneth about 2 of the Clocke in the Afternoone at m^r Deputies to
aduise about it, and to certifie their opinions to the next Court.

M^r Barkham presented to this Court a Graunt of certaine Landē passed
vnto him by S^r Geo: Yeardley vnder the Seale of the Colony vpon
condiçōn that he compounded for the same with Opachankano and
procured a confirmaçōn thereof from the Companie here within two
~~dayes~~ ||yeares|| after the said Graunt for w^{ch} confirmaçōn he nowe
petiçōns the Court.

Vpon w^{ch} occasion it was taken into consideraçōn howe farr forth the
Gouernor of Virginia by a Charter heretofore graunted vnto him by
the Companie might graunt landē in Virginia, and it was resolued
directly that by the Kings Letters Patents no other but the Companie
here and that in a Quarter Court onely had power to dispose of land
in Virginia neither had they liberty thereby to transmitt [55] that
power from themselues to any other, And as for the Clause w^{ch} they
had graunted in their said Charter vnto the Gouernor of Virginia
touchinge the disposinge of land, it did only intend to giue him
power as a Ministeriall Officer to sett out to ~~each~~ ||euery|| man his
propper diuident either by direcōn from hence, or to such as had
acquired it there ||by purchase or service||, and therein cheifely to
respect the auncient Aduenturers and Planters, with authority also
to passe the said Grantē vnder the Collonies Seale if so they did

desire it, but not to make an absolute Graunt of the said lands for that the Seale in that case was but a certificate or testimony of so much land sett out for the consideracons aforesaid to be further ratified and confirmed by the Company here who only had power to confirme the same vnto them: And further then this the Gouvernor neither had nor could haue any authority from hence to dispose of land in Virginia, but this Graunt of Barkhams was held to be verie dishonorable and preiudiciall to the Companie in regard it was lymitted with a Proviso to compound with Opachankano, whereby a Soueraignty in that heathen Infidell was acknowledged, and the Companies Title thereby much infringed. It was also reputed a fraudulent deed vnto the Graantee, and of purpose onely to drawe a ffee from him, w^{ch} by report is very excessiue, in that kinde, there beinge no lesse then 20^{li} waight of Tobacco or 3^{li} in money demaunded by the Secretary there fore euery such priuate diuident of 50: or 100: acres passed vnder the Seale of the Colony, w^{ch} this Court held to be verie vnreasonable, and therefore for the preuention thereof ||hereafter|| as also to avoid that confusion of grauntinge priuate Diuident^e in the cheifest places w^{ch} many possessed themselues of, ~~was~~ §not§ with an intent to plante vpon the said land^e so much as to preuent such other in their Diuident^e as tooke Patent^e here, without they compounded with them for these parcell^e that laye intermingled It was for these reasons thought fitt to be referred to the iudgement of the next Quarter Court to consider of some course for a speedie reformacon.

M^r Grindall also presentinge the like Grant vnder the Collonies Seale of 150: acres bounded out and allotted vnto him at his first cominge away in consideracon of his seruice, for somuch as he hath promised to plant the same at his arriuall there by this next Shipping The Court herein beinge willinge to shewe fauo^r especially to such auncient Planters as shall deserue well by their seruice and intend to plant vpon the land sett out for them, haue ordered that a Letter shalbe writt to the Gouvernor to giue order to the Surveyor to sett out the due proporcon of his said land and to bound the same euery waye within his iust lymitt^e.

S^r Edw: Sackuill beinge entreated by the former Court to acquaint the Lord^e of his Ma^{ty}s Counsell with the Massacre of the English Colony in Virginia by the Indians there and with the present necessity of Armes and people to make a repara^{ti}on, did nowe report that with the first oppertunity he had accordingly informed their H^{ps}, and after some questions passed about some p^{ar}ticulars he entreated their H^{ps} media^{ti}on [56] to his Ma^{ty}e in their said suite w^{ch} they were pleased to performe whereof his Ma^{ty}e beinge informed as, also of the manner of this Accident with great indigna^{ti}on apprehended the cause thereof to be the same that their H^{ps} did vizt that the Planters in Virginia attended more ||their|| present proffitt rather then their safety ||and pleasing their humors and fancies|| by Lyvinge so scatteringly and dispersedly ~~pleasinge their owne humors and fancies~~: But his Ma^{ty}e was so farr sensible of the losse of so many of his Subiect^e and of the present estate of the Colony as he was graceously pleased to promise them assistance, and therevpon demanded what the Companies desire. It was answered Muni^{ti}on and people whereby they might be enhabled to take a iust revenge of those treacherous Indians, and to recouer what they had nowe lost as also to secure themselues against the like or any other forraigne Enemy that should offer to assault them wherevpon it pleased his Ma^{ty}e to promise them some such Armes out of the Tower as was desired whereof the Officers of the Tower brought some of each kinde and reported their store there to be as followeth.¹

Briggandines a ⁿ d Plate Coate.....	100
Iacks of Male.....	40
Ierkins or Shirt ^e of Male.....	400
Skulle.....	2000
Caluiers and other peecees bill ^e Halberts Swords.....	

The Court is continued by a generall Consent² ~~of handes~~ till all buisnesses were ordered.

¹ Letters and printed declarations on this subject, and the orders for arms for the Company are mentioned in List of Records, Nos. 293, 306, 318, 350, 354, 355, 356, 363, Vol. I, pages 152, 154, 155, 158, 159, and 160, *ante*.

² Written over the word "erec^{ti}on."

M^r Horwood petitioninge for releas of his Sonne in lawe Robert Dauies from m^r Rolfe hauinge serued out his three yeares accordinge to his Contract, as also that he might haue his Diuident of land for that he was furnished out at his charge, all w^{ch} he said he had wittnesses in Towne to proue: The Court hath entreated m^r Deputy to examine his Wittnesses and therevpon ordered his petiçon should be recomēded to the Gouvernor of Virginia to do the said Robert Dauies right accordingly.

Whereas it appeares by an Acquittance presented at the said Court vnto S^r Thomas Smiths hand dated the 9th of September i607 that m^r W^m Phetiplace beinge an auncient Planter paid vnto S^r Tho: Smith then Treasurer for Virginia the Some of 10^{li} w^{ch} beinge somewhat short of the purchase of a Share: The Court notwithstandinge vpon his humble request and promise to plant the same within some convenient time haue bin pleased to remitt him the odd money and to allowe him 100 acres of land old Aduenture vpon a first diuision for w^{ch} direcōn shalbe giuen to the Governo^r to cause the same to be sett out for him accordinge to the orders of the Companie. [57]

S^r Edwin Sandys signified vnto the Courte that the Companie of the Suñer Ilands in their great Quarter Court held the Tenth daye of Iuly last had consented to the Contract intended to be made with his Ma^{tie} for the sole Importaōn of Tobacco, but with some difference from the Virginia Companie touchinge the medium of the Custome thereof, for the Company of the Suñer Ilands hauinge duely waighed and considered of all circumstances incident therevnto conceaued it would be more convenient and safe for them to paye the Custome of 6^d the pounce ||weight|| for Roll Tobacco and 4^d for leafe as it came in, then to be tyed to paye the certaintye of so great a Some of money, as the medium came vnto, besides they considered that the Customers hauing by this meanes of grauntinge a medium their Customes made certaine, would take no care nor paines to discouer the stealinge in of Spanish Tobacco, whereas in payinge the Customer the proffitt of the Customers beinge also interessed therein, it would make them the more vigilant and carefull to prevent the vndue bringinge in of

Spanish Tobacco and thereby also saue the Companie much charge, w^{ch} they must otherwise be at for maỹtayninge of a great number of officers for this purpose Wherevpon it beinge taken into consideraçon whither an Inferio^r Court had any power to alter that w^{ch} was so solemnely ratified by a Quarter Court it was resolved it could not, but withall they held it fitt to signifie to my Lo: Treasurer and certifie by waye of Declaration of their perticular opinions that they conceaued the Suñer Ilands Companie for many substantiall reasons had taken the better course, and therefore the Companie of Virginia would not oppose the drawinge vp of the Patent accordinge to the desire and resoluçon of the Suñer Ilands Companie, not doubting but if the next Quarter Court for Virginia ~~shall~~ ||should not|| aproue thereof they shall entreat his lp: their first order may Stand.

S ^r Io: Dauers	m ^r Iermyn
2 Deputies	m ^r Binge
m ^r Gibbs	m ^r Ro: Smith
m ^r Wrote	m ^r White
m ^r Brooke	m ^r Seldon
m ^r Herbert	
m ^r Io: Smith	

or any fower of them are entreated to meete and aduise about the drawinge vp of the Patent touchinge the Contract to be made with his Ma^{tie} for the sole Importaçon of Tobacco accordinge to the Propositions agreed on by the Companies of Virginia and the Suñer Ilands in their great Quarter Court held this present month w^{ch} is to be donn in the most beneficiall manner for the behoufe of both Companies, who are likewise desired to attend m^r Atturney about the same: And also to take into their consideraçon those thinge that are to be performed before the said Contract is to be in force as namely the prohibitinge the planting of Tobacco in England and Ireland also to prohibite the importinge of any ~~Spanish~~ ||Spanish|| Tobacco ~~in England and Ireland~~ more then the quantitie limited by this Contract. [58]

A Comission for Tobias ffelgate M^r of the Iames of London of about 140 Tuñ bound for Virginia with 90 Passengers was ordered to be drawne vp and sealed.

A Comission likewise for m^r ¹ Langley M^r and Owner of the Margaret and Iohn of 160 Tun bound for Virginia with one hundred passengers.

AT A COURT HELD FOR VIRGINIA
THE 14TH OF AUGUST 1622

PRESENT

Right Hono^{ble} Lo: Cauendish.

m ^r Gibbs.	m ^r Bernard.	m ^r Geo: Smith.
m ^r Wrote.	m ^r Wheatley.	m ^r Woodall.
m ^r Io: farrar.	m ^r Wiseman.	m ^r Webbe.
m ^r Nich: Farrar Dpt:	m ^r Ditchfeild.	m ^r Cuffe.
m ^r Ro: Smith.	m ^r Nicholle.	with diuers others.
m ^r Sheppard.	m ^r Mellinge.	

Whereas his Ma^{tie} hath bin pleased at the humble Suite of the Virginia Companie to lend vnto them 20 Barrell of Powder for the service of the Colonie in Virginia to be repaid by the 10th of ~~February~~ ||January|| next for w^{ch} Security is to be giuen vnder the Companies Seale: The Court entreated m^r Deputy to drawe vp the said Security and to affix the Companies Seale therevnto.

And whereas it was further signified that they were in hand with a bargaine for Twenty Barrell of powder more for time vpon the like caution, The Co^{rt} gaue order to m^r Deputy, that if that bargaine proceeded to affix the Seale vnto the like Security for repayment at the time agreed vpon.

A request was made by some of the Sumer Ilands Company for the better supplyinge of the Sumer Ilands with Armes (whereof there was nowe very great want) this Companie would please to giue them 100 peeces and 50: browne Bill out of his Ma^{tie} Princely Guift and

¹ A blank space in the manuscript.

bounty bestowed upon this Companie w^{ch} number the Summer Ilande Companie promise to maintaine: The Co^rt takinge it into their consideration and waighinge duely howe much it doth import Virginia to strengthen and support that Plantation in regard of the vicinity and mutuall dependance the one hath vpon the other, haue agreed to graunt their request, not doubtinge but his Ma^{tie} and the State wilbe pleased herewith, consideringe vpon what speciall and important reasons the Companie were moued herevnto, and further it was agreed and thought fitt, that the Bowes and Arrowes w^{ch} his Ma^{tie} had giuen to the Virginia Companie (in respect the vse and scatteringe of them amongst the Indians might proue a thinge dangerous to our owne people, and withall make them acquainted with the manner of fashioning the Arrowe head) that therefore they should be deposited and kept safe in the Summer Ilands in a readines against there should be occasion to vse them in Virginia. [59]

An offer was likewise made by the Courte that euery private Plantation Hundred and Burrowe might haue some of the said peeces, Provided they be at charge to trimme them vpp and make them fitt and so send them to Virginia: Provided also that they keepe and mayntaine the like number alwayes fitt and seruiceable.

The Residue of the Armes were thought fitt and ordered by the Court to be kept in a Common Store or Armory in Virginia for the Generall seruice of the whole Colony vpon all occasions.

Certen Informers profferinge to the Court their seruice to discover some persons that had planted good quantities of Tobacco here in England contrary to his Ma^{ties} Proclamation, praid they might haue some reward for that seruice. The Court hath referred them to be considered for the paines they shall take herein vnto

m ^r Deputy.	m ^r Nicholle.
m ^r Geo: Smith.	m ^r Wiseman.
m ^r Ditchfeild.	m ^r Roberts.
m ^r Caninge.	or any fower of them.

Ann Minter petitioning for the discharge of Richard Minter her Husband, whome shee saith was turned ouer by Do^r Bohune as Tenant to the Phisitions place, contrarie to his promise: The Court not knowinge of any such priuate agreement between Do^r Bohun and him, Haue notwithstanding in co^mmissera^on of her pouerty, and vpon her earnest request, ordered, that her Husband Richard Minter shalbe sett free and at liberty to dispose of himselfe, he payinge 100^{wt} of good leafe Tobacco for the Companies vse vnto m^r Geo: Sandys Treasuro^r in considera^on of the charge the Companie were at, for his furnishinge out and Transporta^on: And if he be desirous to staye still in Virginia; It is further ordered, that he payinge the aforesaid quantity of Tobacco, shall beside his freedome haue fiftie acres of land sett out for him and his heires for euer to plant vpon for his owne benifitt and not otherwise if he returne for England.

AT A COURT HELD FOR VIRGINIA ON
THURSDAY IN THE AFTERNOONE THE 5^o
OF SEPTEMBER 1622

PRESENT

Right Hono^{ble}

m ^r Iohn ffarrar.	m ^r Wiseman.
m ^r Nich: ffarrar.	m ^r Bennett.
m ^r RobertC.	m ^r Cuffe.
m ^r Wrote.	m ^r Webbe.
m ^r Wheatly.	m ^r Baynham.
m ^r Caswell.	with ~~diuers~~ §many§ others.
m ^r Nicholls.	
m ^r Geo: Smith.	

[60]

The Sum^r Ilands Court held this Afternoone beinge dissolued, m^r Nicho: ffarrar the Deputy acquainted them, that whereas it pleased his Ma^{tye} out of his Princely care of the Plantation of Virginia, to

direct his graceous Letters vnto m^r Treasurer and Company for Virginia to comaund a speedie course be taken for the settinge vpp of Silkworks and plantinge of Vineyards throughout the whole Colony in Virginia (for the orderinge whereof one m^r Bonnell his Ma^{ty} Servant had giuen verie good directions in his booke lately published) Wherevpon his Ma^{ty} Counsell for Virginia havinge taken it into their consideraçon thought fitt for the better Accomplishment of his Highnes pleasure in a buissines of so great consequence vnto the Plantation that a speaciall letter be writt by the Companie to the Counsell of State in Virginia ~~for the orderinge whereof one m^r Bonnell his Ma^{ty} Servant had giuen verie good direcçons~~ to require and charge a strict performance of his Ma^{ty} royall comandment in the premisses: for w^{ch} purpose they had conceaued the forme of a letter w^{ch} beinge nowe presented in Court was read and beinge well approued of, the Court ordered and appointed the same to be printed and affixed to the Silkworme booke of m^r Bonnells y^e ffrenchman.¹

M^r Deputy further acquainted the Court that he had receaued a warrant signed by ~~the said~~ ||sundry|| Lords of his Ma^{ty} Priuy Councell directed to the Treasurer and Deputy of this Companie requiringe one Dan: ffranke (a malefacto^r lately reperiued) be sent to Virginia (from whence he may not returne into any his Ma^{ty} Dominions wthout speaciall license obtained vnder six of the Counsell^e hande) w^{ch} ffranke had contracted to serue in Virginia one Elianor Phillipps that nowe goes ouer with him, in consideraçon whereof the said Phillipps offers to paye for his passage if the Companie please to permit the said ffranke to goe: Wherevpon the Court ordered he should be sent to Virginia accordinge to the Lords order, and should be put about the Southampton and comitted to the charge of m^r Iames Chester Captaine of the said Shippe bound for Virginia, to deliuer him in Virginia according to his Direcçons.

Vpon the moçon and earnest request of the Society of Martins Hundred that Tho: Nicholls might be released from of the Companies Land and imployed in their Hundred for the better diuidinge of their

¹This treatise, containing also the two letters, is referred to in List of Records, No. 347, Vol. I, page 158, *ante*.

lands there (he beinge skillfull in the matter of Suruey) for whome they haue promised to giue the Companie good satisfacōn. The Court herevpon were contented to order that the said Nicholls should be sett free and put vpon the imployment of Martins Hundred, and withall should haue such booke and Instrumente as belonged to his buissines of survey for the vse and seruice of that Hundred. [61]

AN EXTRAORDINARY COURT HOLDEN
FOR VIRGINIA ON MONDAY THE 7^o OF
OCTOBER 1622

PRESENT

S ^r Io: Dauers.	m ^r Whitely.	m ^r Mellinge.
S ^r Io: Brooke.	m ^r Barbo ^r .	m ^r Elkington.
S ^r Phil: Carey.	m ^r Caswell.	m ^r Coxe.
m ^r Nich ^o ffarrar. Dpt.	m ^r Swinhowe.	m ^r Newport.
m ^r Io: ffarrar	m ^r Copland.	m ^r Penistone.
m ^r Gibbs.	m ^r Withers.	m ^r Roberte.
m ^r Wrote.	m ^r Barkham.	m ^r Geo: Smith.
m ^r Binge.	m ^r Kirby.	m ^r Sparrowe.
Do ^r Anthony.	m ^r Waterhowse.	m ^r Ley.
m ^r Ro: Smith.	m ^r Iadwin.	m ^r Coop.
m ^r Iermin.	m ^r Wood.	m ^r Budge.
[m ^r Roberts.]	m ^r Hawkins.	m ^r Tho: Waterhowse.
m ^r Rogers.	m ^r Morewood.	m ^r Woodall &
Capt: Martin.	m ^r Leuer.	m ^r Palmer.
m ^r Purcas.	m ^r Bennett.	with diuers others.

M^r Deputy signified vnto the Companie that the occasion of callinge this Court was for the dispatch awaye of the Abigaile, And for that diuers peticons had bin exhibited w^{ch} were to be ordered and sent by this Shippe some of greuiances for wronge donn by vniust factors and Partners in Virginia others of claime to lande and goodē belongingē

vnto them by the late death of frend℥ there; And further whereas the Counsell had by the Iames already sent their Letters of aduise and direcōn to the Gouvernor and Counsell of Virginia touchinge the late Massacre and other important buisnesses: So as it had bin taken into consideraōn and held verie fitt that the like addresse should be nowe made by the Compā to second the former, whereof a draught beinge made, he nowe presented in Court w^{ch} beinge read and well approued of, was ordered to be signed by the Deputy in the name of the Companie and wittnessed by the Secrety.

After this the petiōns were read and ordered as followeth (vizt)

M^r Iohn ffarrar and his Partners complayninge by petiōn against Captaine ||William|| Tucker and one Henry Gats for not havinge returned them any Account of those good℥ they comitted to their charge w^{ch} cost them well neare 900^{li} havinge imployed them as their ffactors and Agent℥ in the Shippe called the Elianor they therefore praied this buisnes might be so recomēded to the Gouvernor and Counsell of Virginia as they might haue Iustice donne them and all lawfull furtherance giuen to those they had appointed their Atturnies herein, Wherevpon the Court did very earnestly recomēd this petiōn to the Gouverno^r and Councell to take it especially into their care that iustice and right may be donne without delaye vnto y^e Petiōners and that satisfacōn may be made them to the full in all their lawfull and iust demaund℥, for so both the matter it selfe required and the meritt℥ of the psons [62] of the Colony are extraordinary and that of the proceeding℥ herein the Companie desire to haue an Account returned them by the first The Companie were likewise pleased that Charles Atkinson being their Tenant shall doe this seruice for the Petiōners.

M^r Edw: Bennett in his Petiōn makeinge two request℥ vnto the Companie the one that the cause in difference between him and Capt. ||Raph|| Hañer might be recomēded to the Counsell of Virginia to do him iustice, The other that his people might be returned to his Plantaōn at Warascoacke: The Court ordered that the Gouverno^r and

Councell in Virginia should take extraordinary care of that buissines that so farr as right and iustice will permitt his request may be satisfied and that a perfect and speedie Account be returned them of all proceedings therein and that they do not onely giue leaue to the repossessinge of Warasquoak, but further doe verie earnestly recomend the settlinge of his affaires and buissines to the fauo^r and furtherance of the Gouvernor and Councell, and that what courtesie they shall shewe him therein, the Companie will accept as donne to themselves in regard m^r Bennet (beside great seruices donne for the aduancement of the Plantacon) is the largest Aduenturor that they knowe of.

M^r W^m Caps an auncient Planter in Virginia in his petiçon made 3 requeste vnto the Companie: 1: That S^r W^m Newce might be required to deliuer him the five men for whose transportaçon be paid him 30^{li} here in Towne 2: That S^r Geo: Yeardley might restore vnto him the Danske Chest and goodē he detaines from him, And lastly that he might haue satisfacō for the land taken from him by S^r Geo: Yeardley then Gouvernor for that it laye in that part where the Company had appointed their land to be sett out (notwithstandinge he saith he was possessed thereof before that allotment was made:) Wherevpon it was ordered that it should be certified that the Companie had bestowed on the Petitioner 30^{li} w^{ch} m^r Io: ffarrar testified to haue bin paid to S^r W^m Newce to the intent expressed (vizt) for the transportaçon of those five men w^{ch} they doubt not he will pforme: And in that and the matter of the Chest they desire the tne Peticon^r haue right donne him, as for the land, if he were lawfully possessed of it before it was ordered for the Companie they hold it iust that it should be restored him or elē satisfacō made him to the full with allowance of dañage it beinge their intent to giue of their owne and not to take from other.

M^r Henry Rolfe in his Petiçon desiringe the Estate his Brother Iohn Rolfe deceased lefte in Virginia might be enquired out and converted to the best vse for the mainetenance of his Relict wife and Children and for his indemnity (hauinge brought vp the Child his said

Brother had by Powhatan's Daughter w^{ch} Child is yet lyvinge and in his custodie) It was ordered [63] that the Gouvernor and Counsell of Virginia should cause enquirie be made what Land^e and goodes the said Iohn Rolfe died seized of; and in case it be found the said Rolfe made no Will, then to take such order for the Petiçoners indempnity and for the mayntenance of the said Children and his relict wife as they shall finde his Estate will beare (his debt^e vnto the Companie and others beinge first satisfied) and to returne vnto the Companie ||here|| an Account of their proceeding^e.

Iane Glouer and Bridgett Hubbard peticoninge for leaue to administer vpon the estate of Samuell Stringer their naturall Brother lately slaine in Virginia, beinge indebted vnto them (as they affirme) It was ordered that the Gouvernor and Counsell of Virginia should be entreated to cause enquirie be made what estate in land^e and goodes the said Stringer died seized of and therein to shewe Iohn Tuke m^r of the Abigall (whome by their Letter of Attorney they haue authorised to receaue the said good^e to their vse) all lawfull fauo^r and assistance they may for helpinge the Petiçoners to come to their right (with due respect) they beinge not onely his Creditors but his heires also.

Edward Peirs Cittizen and Marchantaylo^r of London, petiçoninge for leaue to administer vpon the estate of one Thomas Peirs his Brother, late inhabitinge neare Mulbery Ilands in Virginia (who was there slaine with his wife and child in the late Massacre) It was ordered that forsomuch as it hath bin testified as well by Certificate from S^r W^m Owen knight and Thomas Iones esquire Bayliffe of the Towne of Shrewsbury as also vpon oath taken of the Peticon^r and one Robert Corbett by the Deputy and some other of his Ma^{ty}s Counsell for Virginia that the said Edward Peirs is the onely Brother of the said Thomas deceased, and that he hath but one only Sister namely Ann Peirs lyvinge That the Gouverno^r and Councell of Virginia should be entreated to shewe the Petiçoner or his Assignes what lawfull fauo^r and assistance they may in the premisses that the Proprietors may receaue the benifitt of the proceed of those good^e that shalbe found out with all expidiçon.

Ioane Blancher petiçoninge likewise for that estate her Husband Iohn Blancher died seized of in Virginia: It was ordered that the like direcçon should be giuen to the Counsell there to cause enquirie be made what good℄ he lefte and not onely to giue an Account but also to returne the good℄ themselves or the proceed thereof (beinge sold to the value) to the Treasurer and Companie here to the vse and benefitt of the said Peticon^r.

A Certificate beinge presented in Court vnder the hand of diuers therein named, certifyinge that Iames Darey is the next heire of Iosua Darey who was lately slaine in Virginia: The Court ordered that forsomuch as this Certificate was testified to be true by m^r Wheatley a Brother of this [64] Companie, it should be reco^mended to the Counsell of Virginia to cause enquirie be made what good℄ the said Iosua Darey died seized of, and to giue order that they be sold to the best value and to returne the proceed thereof to the Treasurer and Companie here for the vse and benefitt of the said Iames Darey.

The Brothers and Sisters of Captaine Nath: Powell petiçoninge for order that their said Brothers estate might be enquired out and certified, and the Proceed thereof returned vnto the Companie here for their vse and benefitt, It was ordered that it should be reco^mended to the Counsell of Virginia to haue an espeaciall care of this buissines, both because it is of great consequence, as also for that Capt: Nath: Powell was a man of extraordinary merritt, and the Petiçoners poore men, wherefore they desired that Iustice and right may be donn them ||therein||, and that so speedily as the Petiçoners may receaue the benefitt thereof by the first returne of Shippes, and not onely an Account, but also the good℄ themselves or the proceed of them beinge sold to the value be returned to the Treasurer and Companie.

Iohn Stephens and Raph Baylie petiçoninge both to one effect vizt that direcçon might be giuen to the Gouvernor of Virginia to sett out their Diuident of land where and when he should thinke fittest for their safety and convenience: The Companie conceaued the Petiçoners request to be so resonable as they are assured the Counsell of

Virginia will not deny it them, but be readie to shewe them and their people what fauo^r they may for the safe and convenient settlinge of them.

The Companie beinge informed by the Auditors that S^r Geo: Yeardley in stead of 500^{li} w^{ch} by the Counsell^r Letter of the 18th of Decemb^r i619 he was comāunded to returne for the 50 youthes then sent by his Ma^{ty} Comāund hath onely returned 3333^{li} waight of Tobacco, w^{ch} beinge sent to Middleburrough and there sold comes to ||no|| more then 275^{li} 15 06 haue ordered that the Account of that Tobacco signed by the Auditors and Bookeep should be sent vnto m^r Geo: Sandys Treasurer in Virginia to be shewed vnto the said S^r Geo: Yeardley and the rest whome it may concerne, and that they should be caused to make satisfacōn for the 224^{li} 4: 6: w^{ch} is remayninge due vnto the Companie this yeare in good leafe Tobacco to be sent home in the Abigall.

It was also further ordered that the Account of the Tobacco sent home last yeare to the Companie should be sent to m^r Geo: Sandys, that he might see at what rate it was here sold and cause further satisfacōn to be giuen from whome it is due. [65]

It was also ordered that a Coppie of Lieutenant W^m Peirs his Bond should be sent vnto m^r Geo: Sandys who is required to leavy of the said W^m Peirs the 500^{li} of Tobacco appearinge due to the Companie by the said Bond and to send it home in the Abigall.

In these perticulars the Companie desire m^r Geo: Sandys to be verie carefull and the Gouverno^r to giue him all the assistance that the Companie be not disappointed of so due debt^e in this time of great necessity.

And it is further ordered that the Gouverno^r of Virginia shall not hereafter graunt leaue to any indebted to the Companie to returne for England vntill he hath giuen full satisfacōn for all such debt^e as he shall stand charged with.

M^r Deputy acquainted the Court, that m^r Secretary Dauison had requested him humbly to tender to the consideration of this Noble Company the great losse that he had endured this last yeare by want of 13 of of those 20 Tenant^e that the Companie were pleased to graunt and promise to him: Wherevpon he humbly besought them, that they would bestowe vpon him at present in recompence or satisfaction of that damage the Summe of 50^{li} w^{ch} he would procure to be lent the Companie vnder their Seale at a yeares daye of payment, M^r Deputy added that he would not haue dared in this time of the Companies extreame pouerty to propound a matter of so great charge vnto them, but that he did for his part conceaue, that in trueth the doeing of this, should be a matter rather of payment of debt then point of liberality, and besid^e that m^r Secretary Dauison himselfe had found the meanes for procuringe the money, and that after such a manner, as he for his part, should be verie glad, if all the Companies Debt^e might be so discharged, but against this it was objected, that M^r Secretary had receaued fees in Virginia in recompence of his want of men, and further that he had not performed his seruice aboue halfe the time; And lastly that howsoever, the President would be verie dangerous whereby other Officers that had suffered the like damages would make the like demaund^e: But for the first m^r Deputy and his Brother m^r Iohn ffarrar affirmed, that m^r Sec^r Dauison had solemnly protested to them diuers times (they havinge challenged him thereof accordinge to some Letters that did seeme to import so much) that he had receaued no fees at all or to no value at least, and that although there was at first an inten^{ti}on by the Gouvernor and Counsell to make him satisfac^{ti}on after that manner; yet afterward consideringe with himselfe, that perhapp^e it would be displeasinge to the Company here beinge so precisely forbidden by them he did relinquish it, rather puttinge himselfe vpon the Companies noblenes, And for the performance of his place that m^r Geo: Sandys had vndertaken it out of his loue to him; and further that his cominge ouer [66] was in parte for the better Informa^{ti}on of the Counsell, of the State of the Colony: As for the last thinge it was generally adiudged to be a verie smale recompence for so great damage and that the Companie should haue a verie great bargaine of it to satisfie propor^{ti}onably all the like

demaundē. But in the end because the matter was of great waight in this necessitous time of the Companie it was thought fitt to reserue the matter of absolutely giuinge it to the iudgment of a Quarter Court; After full and certen knowledge of the perticulers in question and doubt; But that yet in the meane while for the accomodatinge of m^r Dauison in his present vrgent occasions beinge to carry ouer his wife with him to Virginia, the said 50^{li} offered by m^r Weston to be lent, Should be accepted and the Companies Seale giuen for the payment of it at a yeares day And that the said 50^{li} should be paid to m^r Secrē Dauison, he giuinge his Bond to repaye it to the Companie in Ianuary 1623.

AT A COURT HELD FOR VIRGINIA THE
23TH OF OCTOBER 1622

PRESENT

the Right Hono^{ble} Lo: Cauendish.
S^r Phill: Carey } knightē.
S^r Io: Dauers }

m ^r Nich ffarrar Dpt.	m ^r Darnelly.	m ^r ffogge.
m ^r Gibbs.	m ^r Palmer.	m ^r Caswell.
m ^r Wrote.	m ^r Bennett.	m ^r Robertē.
m ^r Wilmer.	m ^r Copland.	m ^r Parker.
m ^r Binge.	m ^r Balmeford.	m ^r Cooke.
m ^r Io: ffarrar.	m ^r Mellinge.	m ^r Swinhowe.
m ^r Ro: Smith.	m ^r Cuffe.	m ^r Newport.
m ^r Berblocke.	m ^r Withers.	m ^r Sparrowe.
m ^r Geo: Smith.	m ^r Bland.	m ^r Ditchfeild.
m ^r Bull.	m ^r Peirs.	m ^r Wheat.
	m ^r Sheppard.	m ^r Rogers.
		with diuers others.

After the readinge of the former Court, a great part whereof consisted in the Answares of many petiçons that had bin presented, m^r Deputy signified vnto the Court, that this manner of settinge downe

the So^ms of the peti^{ti}ons and of the Court^e Answ^eares was a thinge of very great Trouble to the Secretary and himselfe, and many times perhappes neither the true meaninge of the Peticon^r, nor of the Answ^eare, was so fully and plainely expressed as was fitt and requisite, and therefore many times occasion of doeinge wronge might be ministred: Wherevpon he offered to the considera^{ti}on of the Court, that the very peti^{ti}ons themselues [67] should be registred and entred either in the Court booke or some perticuler booke for that purpose, and that the answ^eare of euery peti^{ti}on might be drawne vpp while the Court sat and read, w^{ch} would be a safe course both for the Companie and Peti^{ti}oners and likewise for the Deputy and Secretary, and this Course he thought the more necessarie in regard the greatest part of the Petitions put vp to the Companie do not admitt the receiue and ~~examina^{ti}on~~ ||approba^{ti}on|| of a second Court, but vpon the ordering and ~~the~~ execu^{ti}on doth immediately followe, as all the peti^{ti}ons read in the former Court and there ordered were the next day sent to Virginia whereby if there had been erro^r in mistakinge the Companies meaninge it could not be remedied.

Hee desired them farther likewise to take into their considera^{ti}on howe the multitude of Peti^{ti}ons daylie encreased, So that the Court^e had not time nor leasure to order them wherevpon himselfe was continually troubled with the importunity of Peti^{ti}oners for not receauinge speedie satisfac^{ti}on as they did desire; w^{ch} did exceedingly molest him, and some of them did much clamor of the Companie: ffor redresse whereof, as also for the equall administra^{ti}on of Iustice and fauo^r vnto all, (w^{ch} he knewe to be the Companies principall intent) he desired that they would take into their considera^{ti}on what course and order should be held for the receauinge of Peti^{ti}ons for the informinge the Court of the pticularities of them and for the answ^earinge of them: Concerninge all w^{ch} point^e and the former, he and some of the Counsell (wth whome he had conferred thereabout) conceaued that there might be so good and orderly a course sett downe as should much tend to the ease of the Court in expediting of peti^{ti}ones and to the speedie reliefe and satisfac^{ti}on of all due Complaynant^e and iust Peti^{ti}ons: The Court hauinge debated these point^e and findinge them

verie waightie, and that it was most expedient to take some course therein did thinke fitt to referr the consideraçon of them and all other matters incident to Petiçons vnto a select Comitteē which were then named (vizt)

m ^r Gibbs.	m ^r Ro: Smith.
m ^r Wrote.	m ^r Berblocke.
m ^r Binge.	m ^r Caswell.
The two Deputies.	&
m ^r Io: Smith.	m ^r Mellinge.

who are entreated to meete at m^r Deputy fferrars howse on Monday in the Afternoon the 28th of this present Month and there to consult and aduise concerninge the point℄ formerly mençoned and all other pticulers belonginge to the matter of petiçons and to sett downe their opinions and iudgement℄ thereof and to bringe the same in writinge to the next Court.

M^r Deputy further acquainted the Court that diuers of the Counsell and Companie had of late obserued some eñors and default℄ in the transportinge of persons and good℄, w^{ch} if there were not some timely remedy for preuention [68] would both breed much wronge to the private Planters that goe ouer, and hereafter great trouble and vexaçon to this Court: The point℄ were three: ffirst that diuers Shipps nowe goeing daylie (aswell from London as other part℄,) without any further Referrence to the Companie then a Comission from them, there was no Note or Register kept of the names of the persons transported, whereby himselfe and the other officers were not able to giue any satisfacçon to the persons, that did daylie and howerly enquire after their frend℄ gon to Virginia, to the great discontent of people here, and that this likewise would proue a thinge of great trouble and molestacçon to the Court when after the expiraçon of i624, either the persons themselues transported or their heires should come to clame their diuisions of land℄, the Companie hauinge no ground to knowe, what or why any thinge should be due vnto them but their owne wordes: The second pointe was that many times the Passengers shippinge their good℄ themselues and through ignorance and want of

vnderstandinge in such affaires, not takinge that course as they ought, though their goodē were imbeaselled by the Marriners in the waye ||yet|| they could come to no right, wantinge sufficient proufe of the deliuery of them abourd the M^r; and if any priuate man hapned to dye, all his goodes were presently imbeazelled and as it were confiscated by the Marriners, that afterward his friendē could neuer come to recouer any of them, nor tell w^{ch} waye to goe about it, There beinge no publique euidence of the receauinge of the said goodē abourd, and if there were any priuate they perished with the Party himselve; The third thinge was the prouidinge by some fitt course that the Couenante between M^{rs} and Servantē might be respectiuely pformed, to the full, that neither oppression nor fraude might be exercised by the one or other: In both w^{ch} kindē, there were many complaintē both of M^r and Servantē w^{ch} were daylie like to encrease and as the Plantacon did augment and especially the wrongē of Servantē, It beinge obserued here that diuers old Planters and others did allure and beguile diuers younge psons and others (ignorant and vnskillfull in such matters) to serue them vpon intollerable and vnechristianlike condiçons vpon promises of such rewardē and recompence, as they were no wayes able to performe nor euer meant: These three headē beinge discussed by the Court, were conceaued to be very waightie and were therefore referred to the consideraçon of the former Co^mittee.

And likewise vpon remonstrance by some other what inconveniences did arise in Virginia for want of a sett and orderly course for the prouing of Willē and Testamentē and other thingē thereto belongingē, the former Co^mittee were likewise desired to take that buissines into their consideraçons and to deliuer their opinions and iudgementē therein to the next Court in writinge of all the premisses. [69]

The Court hath likewise referred the perticular greiuaunce of Tho: Goldsmith touchinge his Sonne Arthur detayned by S^r Geo: Yeardley as his Tenant, to the examinaçon of the said Co^mittee, who are duely to informe themselves and consider of each perticular circumstance and to certifie howe they finde it together with their opinions what they thinke fitt to be donne therein.

M^r Deputy signified vnto the Companie, it was not vnknowne vnto them, that amongst the many worthie Guiftē bestowed on the Plantacon there was the last yeare giuen, by a person refusinge as yet to be named 40^s p Añu for euer (and therevpon an order established) for a Sermon to be preached before the Virginia Companie euery Michas Terme on Wedensday fortnight before the last Wedensday in the said Terme, Hee therefore moued to knowe their pleasure whome they would entreat to preach the said Sermon; Wherevpon some proposinge the Dean of Paules, the Court without naminge any other, did verie much desire he might be entreated therevnto, hopinge he would please vpon their generall request signified vnto him, to vnder ke the paines and the rather for that he was a Brother of this Companie and of their Counsell In confidence whereof the Court praid

S ^r Io: Dauers	m ^r Binge &
S ^r Phil: Carey	m ^r Deputy

to sollicite him earnestly herevnto in the name of the Companie; w^{ch} they promised to performe, and for the place where the Sermon is to be preached. The Court haue made choise of S^t Michaellē Church in Cornehill as the most convenient: After w^{ch} Sermon ended, it is also thought fitt and agreed the Custome they beguñ the last yeare shalbe continued namely to suppe together, and for that cause haue entreated m^r Caswell and m^r Mellinge (who last time so well pformed it to all the Companies content) beinge assisted with m^r Bennett and m^r Rider to be Stewardē this yeare also, for prouidinge and orderinge of the Supper and buissines therevnto belonging and of the place where it shalbe kept, and accordingly to giue notice thereof vnto all the Companie by sendinge the Officer with Tickettē that are to be printed for this purpose, notifyinge the time and place and what each man is to paye, w^{ch} is nowe agreed shalbe iij^s a peece as findinge by the last yeares experience it cannot be lesse to beare out the full charge: And for that at such great feastē Venizon is esteemed to bee a most necessary Complement, the Court hath thought fitt that letters be addressed in the name of the Company vnto such Noblemen and Gentlemen as are of this Society to request this fauo^r at their handē and withall their presence at the said Supper.¹ [70]

¹This sermon, preached November 13, was printed. It is referred to, List of Records, No. 375, Vol. I, page 161, *ante*. A letter concerning the sermon is given in List of Records, No. 381, Vol. I, page 161, *ante*.

M^r Deputy acquainted the Companie that whereas they hired heretofore certaine Dutch Carpenters of Hamburrough for makinge of Saw-millē in Virginia whither they beinge sent, died within a short time after (and onely one returned) ~~beinge~~ ^{shauing} effected nothinge in that buissines, and that notwithstandinge satisfacēon hath bin giuen to the full vnto their Wiues, for so longe time as their said Husbands Lived accordinge to their contracte; yet through the instigation and Clamerous reporte of him that returned these weomen were stirred vp to put in suite those English men that had giuen Security at Hamburrough for payment of their said Husbande wages, demaundinge of them no lesse then their full paye as if they had liued out their times: Insomuch as the said English were cōstrained (to auoide further trouble and charge of Suite) to agree with them and vpon a Composiçon to giue them 27^{li} to surcease their suite, w^{ch} they hoped the Companie here would againe repaye, consideringe it was for their cause, and therefore had nowe made ouer a Bill of Exchange to be paide by the Companie; w^{ch} the Court taking into their consideraçon, although they found of right nothinge to be due to the said weomen, beinge formerly satisfied, yet seeinge the standinge out in the Suite against them might drawe on a further charge w^{ch} would hardly be recouered againe of the P^{lts}¹ (beinge verie poore) and consideringe also on the other side what hard measure it were that the English (w^{ch} entred into this Security on the Companies behalfe) should be forced to paye this money, did therefore agree and order that the said So^{me} should be discharged accordinge to their request vpon the said Bill.

Capt: Hamers Letter was read, relatinge some accidentē that had happned in the Colony since the Massacre, the killinge of certen Indians, burninge of their Townes, the ioyninge with the Kinge of Patomecke against Opachankano Cap: Maddison sent vnto him with 30: English, the insolent Answ^r of Opachankano to the Gouverno^rs message for restoringe of the captiue English, with the dishono^r he did to the Kings Picture, the resoluçon of y^e Gouverno^r and Counsell at the end of August to make Warre vpon Opachankano, with 500 men, hopinge by Godē helpe this winter to cleare the Country of him

¹ Plaintiffs.

and setlinge the Colony in a farr better estate, then it was before, and that this Massacre will proue much to the speedie aduancem^t of the Colony and much to the benifitt of all those that shall nowe come thither.

A Comission to m^r Newland^e Ship called the Plantacon beinge to transport people to Virginia and afterward to make a fishing voyage was ordered to be sealed.

M^r Bennett likewise mouinge the Court for two Shippes he intends to send to Virginia, order was giuen for drawinge vp his Comissions after the vsuall manner and to seale them. [71]

AT A COURT HELD FOR VIRGINIA
THE 6^o OF NOUEMB: 1622

PRESENT

Right Hono^{ble} Lo: Cauendish.

Lo: Padgett.

S^r Edw: Sackuill.

S^r Phil: Carey.

S^r Io: Dauers.

S^r Io: Brooke.

S^r Edwin Sandys.

S^r Ro: Killigrewe.

m^r Deputy.

m^r Tomlins.

m^r Wheatley.

m^r Gibbs.

m^r Sheppard.

m^r Bull.

m^r Wrote.

m^r Rogers.

m^r Woodall.

m^r Binge.

m^r Caswell.

m^r Mellinge.

m^r Io: ffarrar.

m^r Edward^e.

m^r Cuffe.

m^r Io Smith.

m^r Withers.

m^r Robert^e.

m^r Ro: Smith.

m^r Bennett.

m^r Meuerell.

m^r Io: Zouch.

m^r Wiseman.

m^r Martin.

m^r Wilmott.

m^r Swinhow.

Capt Bargraue.

m^r Paulavicine.

m^r Iadwin.

m^r Edw: Waterhowse.

with diuers others.

M^r Deputy signified vnto the Court that whereas diuers waightie buisnesses had bin propounded and referred by the last Court to the

consideraçon of a select Comittee, they had accordingly mett and aduised vpon the pticulars, and findinge in some thinge much diffi- culty, and w^{ch} would require great deliberaçon they thought fitt to deferr the same pticulars till their next meetinge; So as for the present, the Comittee had onely gonn through the first head comended vnto them namely concerninge petiçons, touchinge w^{ch} hauinge drawne vp their opinions by writinge they did nowe present the same to the iudgement of this Court beinge as followeth.

§At a meetinge of the Committees
the 28th Octo: 1622§

Concerninge Petiçons.

§m^r Gibbs.

m^r Binge. m^r Io: ffarrar.

m^r Nich: ffarrar. m^r Caswell.

m^r Ro: Smith. m^r Mellinge. §

The Committees conceave that for the better ease and expediçon both of the Companie & petiçoners there should be a sett Comittee out of the Counsell and Companie of men both of ability and Diligence who should euery Court Daye at one a Clocke meete to receaue petiçons.

This Committee should consider of the seuerall kindē of petiçons and bringe them vnder certaine headē for the sooner and surer dispatchinge of them by propoundinge and passinge thinge of the same nature orderly together, they should haue a care that all petiçons be presented with a right stile, and that if any concerne thinge not fitt for publike readinge they be reserued for the Counsell. [72]

The Committees shall likewyse consider and take into their consideraçon the seuerall matters of petiçon and by informinge themselues of the perticularities prepare the matter for the Companies easier determinaçon.

The Committees shall deliver the Petiçon to the Secretary who shall giue the petiçon^r a note vnder his hand of the receipt of such a petiçon and likewise the time when the Comittee thinke fitt the petiçoner should attend to receaue an aunsweare from the Companie.

Every Petitioner receiving his an aunsweare, the aunsweare shalbe endorsed on the petiçon or vnder [it] duringe the sittinge of the Court and read, and if it cannot be so donne the Secretary shall not sett his hand to the order vntill such time as at least three of the Comittee (whereof m^r [the] Deputy to be one) haue perused and allowed the said order that it is right accordinge to the Companies meaninge.

The Secretary shall keepe all the petiçons on a file with the orders endorced vpon ſor vnderſ them and the Day of the date of them and ſhall further engroſſe them in a booke orderly with reference to the file and the next Court ſhall read the petiçons and orders out of the Booke.

For every Petition graunted in fauor he ſhall haue from y^e petiçon^r a ſhilling and no more for a Coppie of the order for w^{ch} ſhillinge alſo he ſhalbe bound to giue a Coppie of the petiçon it ſelfe if the petiçon^r ſhall deſire it or if it be neceſſary.¹

Which orders beinge reade through and after agayne by ſeverall partē reexamined and deliberated vpon the Courte did well approve of them and theruppon being putt to y^e Question were ratified by the General Consent of y^e whole Courte.

The next thing taken into conſideration was both the number and Quallity of thoſe that ſhould bee apoynted Committees of w^h it was thought fitt that the Auditors ſhould alwayes bee in regard of there greate experience and practize in the Compagnys affayres and y^t there ſhould bee ioyned unto them eight or ten more and y^t out of this number three ~~of~~ at leaſt wherof the Deputy to bee one might bee alwayes preſent for the receiuing and conſidering of Petitions and further y^t the Committee ſhoulde bee yearely choſen vpon the day of Election of the Treasuor and other Officers and y^t there ſhoulde bee yeerly ||an|| alteration of ſome of them for the better information of others in the Compagnys affayres and buiſſineſſes.

Theſe things being putt to the Question were ſeverally ratifyde and confirmed by erection of hands and to bee of the Committee for the preſent yeare were nominated theſe following

first the 6 Auditors namely	{	S ^r Edwyn Sandys.	unto whom wer Ioyned	{	S ^r Ihon Brooke.
		S ^r Iohn Davers.			m ^r Deputy.
		m ^r Ihon Wroth.			m ^r Wrott.
		m ^r Ihon Farrar.			m ^r Ihon Smith.
		m ^r Ghibbe.			m ^r Byng.
		m ^r Keightly.			m ^r Tomlynē.
					m ^r Robert Smith.
					m ^r Bennett
					m ^r Caswell

¹ The initial words of the previous paragraphs and the following action of the court, including the names of the committee, are in the handwriting of Nicholas Ferrar.

VI. Writing of Nicholas Ferrar

From the *Book of Hours*

1685

My dear Mr. Neal
I am much obliged to you as far as I
possibly can make you assurance
of the remainder of your Portion is
has been promised you by God
And know your good will will
in me and nothing is more one by the
hand of God, but I am sure
any more of doing you wrong.

For upon very full and exact examination, it has
very plainly and undeniably appeared, that
what is value of our Native Commodities, is
made ready money, of their Tobacco, where by the
money itselfe payde for them for that weede,
there can scarce be ⁱⁿ this Kingdom of one hundred
thousand pounds every year, which else would have
returned in money from thence, and a miserable
kind of Trade can scarce be done wth that
Nation, our Native Commodities being under-
sold, and the foreigne overbought, and the Treasures
of money transformed into a Smoking weed.

For since Commons therefore, most instantly
wth of our Nat, that the Importation of
Tobacco, may be prohibited from all ^{other} parts
of the world, your Ma^{ty} Dominions, according
to the Burge in the case of all other Nations, in favour of their
owne commodity, and of their naturall people.

divers petitions presented to this Courte were referred to y^e said Committee. [73]

And whereas the former Co^mittee had considered and deliuered their opinions touchinge the peti^con and complaint of one Tho: Goldsmith against S^r Geo: Yeardley for deteyninge his Sonne Arthur as his Tennant: The Court Caused their order vpon the said Peti^con to be sett downe in this manner vizt:

It hauinge bin approued vnto the Court by oath of two Wittnesses that the frend^e of Arthur Goldsmith haue for the settinge fourth of him and mainetayninge him since disbursed to the value of 40th as by a Bill of the pticulers exhibited appeareth, and further that by his frend^e he was put to S^r Geo: Yeardley for three yeares and no longer do therefore iudge that what Contract soeuer the said younge man may haue since made with S^r Geo: Yeardley without the approba^con of his frend^e (touchinge seruinge him as a Tenant or ffearmo^r) ought to be voide and of none effect and accordingly order, that im^ediately vpon the receipt hereof the said Arthur Goldsmith be discharged from the service of S^r George Yeardley and sett free, to be disposed of, accordinge as his frend^e shall thinke fitt: Provided ~~alwayes~~ that if S^r Geo: Yeardley vpon this newe Contract shall haue deliuered him any Stocke, or haue bin at any charges with him, the said Stocke and charges shalbe satisfied and repaid to the said S^r Geo: Yeardley.

S^r Iohn Dāuers and some others beinge requested by the former Court to entreat the Deane of Paules to preach the Sermon before the Companie on Wedensday the 13th of Nouemb: did nowe make report that the Deanes Answere was verie fauourable and respectiue of the Companie, and that hauinge acknowledged with many thanks that courtesie they had donn him, by choosinge him to be of their Counsell, hee seemed glad they had occasion to vse him in that kinde wherein he was able to do them service and therevpon promised to be ready at the time appointed to pforme their request, w^{ch} gaue the Companie very much content.

Capt: Iohn Martin presenting a peti^con to the Court for reforma^con of his Patent in such thing^e as should be founde to transcend the

lymittaçon of the Kinge Letters Patents vnto the Companie or ~~her~~ hurtfull vnto the proceedinge of the Colony was admonished to surrender it vp with all his defecte and exorbitances and take a newe w^{ch} although he refused to do at the first, yet vpon a better bethinkinge with himselfe, and the Companies faire [74] offer vnto him to graunt him a newe Patent with as large and ample priuiledges as any other Aduenturer w^{ch} from time to time they had alwaies offered vnto him, did at length freely and willingly deliuer vp the same in open Court to be cancelled wherevpon order was giuen for drawinge vp a newe Patent for him against the next Quarter Court.

Capt Bargraue herevpon tooke occasion to informe the Court that Capt Martin had of late (contrary to due forme and to the great wronge of the Companie) procured an order from the Right Hono^{ble} the Lord Keeper for sequestraçon of all his Cattle in Virginia; till the matter in difference between them were decided w^{ch} manner of proceedinge for that it did verie much concerne the Companie, he praied the Court would take it into their consideraçon; wherevpon Capt: Martin made offer to referr the cause to any different men of the Companie, wherevnto the other agreeinge, Capt: Martin chose S^r Edw: Sackuill and Capt Bargraue S^r Iohn Brooke whome after both pties had declared themselues willinge to submitt to their award and iudgement, the Court entreated to take some paines to heare and determine the differences between them.

fforsomuch as the Afternoone was nowe farr spent the Court was ordered to be continued till all buisnesses were heard and ended.

M^r Iohn ffarrar acquainted the Court that S^r Arthur Ingram hauinge sent for him told him, That the Lord Treasurer was desirous to knowe the Companies resoluçon whither they would proceed in the Contract intended with the Kinge accordinge to the Propositions agreed on in their Quarter Court Touching w^{ch} S^r Arthur said he had onely one thinge more for my Lord Treasurer to moue vnto the Companie Vizt: That whereas in the former Propositions it was referred vnto a Comittee to consider what sorte of Spanish Tobacco should be brought into this

Kingdome by the Companies his lp: desired it might nowe be resolved vpon to bringe in all of the best Varinaes w^{ch} Propositions beinge taken into consideraçon by the Court These obieçons were made against it vizt: That the graunt hereof ~~should~~ ||would|| dissolue the frame of the Bargaine formerly proposed, first because it would make an alterçaon in the prices and ratē they were agreed to sett vpon the Tobacco that should be brought in, and consequently that it would occasion the stealinge [75] in of much Spanish Tobacco, w^{ch} by the other meanes might be preuented, and lastly that it would much hinder the sale of the Virginia Tobacco: Beside it was likewise doubted whither so great a quantitie as 40000 waight of the best Varinas could be had, seeinge it was more then was knowne to come of that sort into Spayne in some one yeares, so that to be tyed to bringe in the former quantitie could not but be verie inconvenient & preiudiciall vnto the Companies: Wherevnto answeare was made, that the Companies could not be tyed to pforme impossibilities, And beside the eight Article of the Propositions did seeme to prouide against it, w^{ch} beinge read and aduised vpon, it was at length conceaued, that rather then the bargaine should be dissolved the former Propositions should be yealded vnto: And the rather because m^r Iohn ffarrar did affirme that S^r Arthur did promise and protest, that this beinge graunted, there should be no other exception or alteraçon in the bargaine but should proceed on accordingly in all pointē as was agreed by the Companie.

ffor the manner of yealdinge vnto it m^r Wrote beinge desired to drawe vp a forme did it in manner followinge

It is agreed that it shalbe signified to the Lo: Treasurer that the Companies for Virginia and the Sum̄er Ilands, haue that affiance in his lp^r noble fauo^r towardē them, that they are contentented to yeald to his lp^r Proposition of bringinge in of the best sortē of Spanish Tobacco to the quantitie of 40000 waight for the first two yeares of the Contract intended as the markett in Spaine will yeald at such times, as they buy the same, vnles his lp: shall otherwise dispence therewith for the Kings seruice and good of the Companies, w^{ch}

Draft being presented to the Companie and read was well approued of and ratified by the Court, And after this Court being dissolved into a Soñer Ilands Court and the same againe proposed vnto that Companie it was in like manner ratified and confirmed by them.

Vpon a moõon for a Patent for m^r Iohn Palmer and his Associate for a perticuler Plantaõon vndertakinge to transport 10 100 psons The Court gaue order for drawinge a Patent for him.

M^r Io: ffarrar passed ouer one of his shares of land of 100 acres in Virginia to m^r Edmund Hun gent w^{ch} was accordingly confirmed vnto him. [76]

S^r Henry Rich and the Lady Isabella his wife passed ouer fower shares of land in Virginia to m^r Henry Percy (the said Shares beinge discended to the said Lady as the sole Daughter and heire of S^r Walter Cope deceased) w^{ch} Assignem^t the Auditors hauinge allowed the Court ratified and confirmed ||vnto the said Henry Piercy.||

M^r Henry Reinolds likewise passed ouer two shares vnto his Nephew m^r William Vesie of Graies Inn gent w^{ch} beinge allowed by the Auditors the Court also confirmed.

AN EXTRAORDINARY COURT HOLDEN
FOR VIRGINIA ON WEDENSDAY
THE 13TH OF NOUEMB: 1622

PRESENT

Right Hono^{ble} Ea: of Southampton.
Lo: Wriothsly.
Lo: Cauendish.
Lo Padgett.
Lo: Lawarr.

S^r Edw: Sackuill.
 S^r Tho: ffinch.
 S^r Edw: Sandys.
 S^r Bapt: Hicks.
 S^r Io: Daners.
 S^r Ro Killigrew.
 S^r Bo: Worsly.
 S^r Io Wolstenholme.
 S^r Rog: Twisden.
 S^r ffr: Kenaston.
 S^r Io: Seudamore.

m^r Deputy.
 m^r Do^r Meddus.
 m^r Io ffarrar.
 m^r Gibbs.
 m^r Wrote.
 m^r Wilmer.
 m^r Zouch.
 Do^r Anthony.
 m^r Bromefeild.
 m^r Io: Smith.
 m^r Risly.

m^r Ro Smith.
 m^r Elkin.
 m^r Bland.
 m^r Bull.
 m^r Widdowes.
 m^r Binge.
 m^r Paulavicine.
 m^r Struct.
 m^r ffreake.
 m^r Robert^c.
 m^r Pemble.

m^r Speckart.
 m^r Swinhowe.
 m^r Hobbs.
 m^r Chetley.
 m^r Wheat.
 m^r Newport.
 m^r Ewens.
 m^r Haruy.
 m^r Coytmore.
 with diuers others.

M^r Deputy brought vnto this Court in writinge the opinions of the Comittees touchinge the registringe of Passengers names that goe to Virginia in Shippes sett out by priuate men and not by the Companie the Coppie whereof is entred in the next Court begininge in these word^e

The Comittees &

W^{ch} beinge read the Court referred it to the Preparatiue Court to be further considered of in respect the time was nowe farr spent and the occasion of this great Assembly beinge purposely mett to goe to a Sermon w^{ch} was to be preached before the Company this Afternoon by the Deane of Paules. [77]

AT A PRÆPARATIUE COURT HELD
FOR VIRGINIA ON MONDAY
THE 18TH OF NOUEMB 1622

Lo Cauendish.
Lo Padgett.

S ^r Ed: Sackuill.	m ^r Barbo ^r .	m ^r Webbe.
S ^r Edwin Sandys.	m ^r Robert ^e .	m ^r Cuffe.
S ^r Io: Brooke.	m ^r Morewood.	Capt: Martin.
S ^r Ro: Killigrew.	m ^r Mellinge.	m ^r Baldwin.
S ^r Sam: Sandys.	m ^r Caswell.	m ^r Geo: Smith.
m ^r Deputy ffarrar.	m ^r Brome feild.	m ^r ffoxten.
m ^r Gibbs.	Capt: Bargaue.	m ^r Balme ford.
m ^r Wrote.	m ^r Meuerell.	m ^r Thomas.
m ^r Io: ffarrar.	m ^r Boothby.	m ^r Barbo ^r .
m ^r Binge.	m ^r Iadwin.	m ^r Swinhow.
m ^r Challon ^r .	m ^r Wood.	m ^r Hobbs.
	m ^r Bennett.	m ^r Bolton.
	m ^r Newport.	m ^r Procter.
		m ^r Pruson.
		with diuers others.

The Court beinge cheifely ordained for preparinge of buissines for the Quarter Court to consider of there was first read the opinions of the Comittee sette downe in writinge touchinge the Registringe of Passengers names that goe to Virginia in priuate Shippes the Coppie whereof doth here ensue

The Committees fynde that there are very greate inconveniencys for want of a perfect Register of all mens names that goe to Virginia: ffirst the Companie knoweth not what land is Due to men and euery Day vniust and false claimes are put vp especially vpon pretences of beinge heires to persons that haue and do transport themselues freely.

Secondly [when] a reveiwe shalbe made in Virginia howe all men are possessed of their lande w^{ch} wilbe most necessarie to be don in regard of the great Disorder [and] lycentiousnes] w^{ch} men there vse in takinge out land and not due to them it wilbe a matter of great trouble to all private Planters that come [not] in the Companies Shippes to proue that they came ouer at their owne charges, and except they do, that it wilbe verie dangerous and vsafe to the Companie to make confirmacon of lande to them w^{ch} phapps others haue better right vnto.

Thirdly it is a thinge of marveyllous great satisfaccon to all men whose frends goe to Virginia to vnderstand when and howe they went: and the contrary is of exceedinge discontent and greife diuers psons cominge daylie from the farthest parte of England to enquire of frends and Kindred gon to Virginia & because there is onely notice kep of them that goe in the Shippes vndertaken by the Companie there can be no Account giuen of the others whereby ariseth likewise a great disreputacon of y^e Companie for want of iudgement and prouidence in their proceedinge. [78]

fourthly the aduantage of an vnecontrolled goeing doth invite many lewd and wicked persons to robbe and steale from their frends Maisters C^r as hath bin founde by some examples in those Shippes w^{ch} the Company did not vndertake verie much to the disreputacon of the Accon and on the contrary no such thinge hath happned in those Shippes, that are sett forth by the Companie wicked and infamous persons not daring to shewe themselues so much in the light and yet on the contrary, it hath not bin any hinderance to any honest minded persons who oppressed with pouerty and Debt^e haue of necessity and not wickedly bin constrained to goe.

f^{or} the redressinge of these and many other great inconveniences: The Committees conceaue these remeadies.

f^{irst} that it should be published and made knowne by a lawe and order that all persons Desirous to goe to Virginia should giue vp their names to the Companie and that no Maisters of Shippes should presume to carry any without giuinge vp the name of the person to the Companie.

Secondly that for the receauinge of Passengers names there should be a particuler Officer appointed w^{ch} they conceaue fittest to be y^e Bookeeper who should toward^e the goeing of euery Shippe attend two or three dayes in the weeke at the howse where the Court^e are kept to receaue the names of all such persons as are to goe to Virginia.

The said Officer shall in a booke booke register euery mans name age Country profession and kindred and likewise whither he goe at his owne charge or other, f^{or} doeing whereof he shall haue from the party such a fee as the

Quarter Court^e shall from time to time order him; And it beinge a smale matter, it cannot but be gladly giuen of the party in regard that it wilbe his evidence for the settinge out of his land in Virginia.

The said Officer shall by euery Shippinge send a Coppie of all the psons names as formerly registred vnto the Gouvernor and Counsell of State and from them shalbe yearely returned an Account what and howe the psons come in euery Shippe haue bin disposed and bestowed, to the intent that their frend^e here vpon enquiry may receaue satisfac^on.

The said Officer shall not reveale afore the Shippe be gonne the names of any Passenger who shall desire to haue his name kept secrett, except that he knowe him to be a malefactor, vnworthy to goe, and if any shall come to enquire of any such person desiring to be kept secret the said Officer shall demand of those that enquire the reason of their enquiry and shall therewith acquaint the Treasurer and followe such Direc^ons as he shall receaue from him either for the manifestinge or concealinge of the party.

for the Shipps that goe not from London but from other part^e they thinke fitt, the m^r should be bound by his Comission to returne vnto y^e officer here at London a list of the names as is formerly expressed to be registred here in the Companies booke together with the fee for the same, neither shall they require therefore but one single fee.

W^{ch} orders beinge read were well liked of and referred to the Quart^r Court for confirma^on. [79]

S^r Edward Sackuill acquainted the Court that Captaine Martin had made greiuous complainte vnto him, that the newe Patent vpon the resigna^on of his old ordered to be drawne was with such condi^ons, as he was not able to pforme, and verie much to his wronge and preiudice beinge abridged of a great quantitie of land that was due vnto him, and namely that therein he was bound to carrie 100 men, w^{ch} he could haue no hope to doe by reason of his weake estate: To w^{ch} Answere was made that there was not intended a forfeiture of his Patent if that condi^on were not performed to the full, but onely a quantity of land propor^onable to the number of men w^{ch} he should carry.

ffor the second pointe Captaine Martin pretended he was cut short and abridged of a great deale of land giuen him by his former Patent

w^{ch} beinge called for and read it was found to be an vniust and vntrue complaint for all the land giuen him in the former was also giuen him in this newe Patent. But Capt: Martin pretended that whereas in the first Patent there was giuen vnto him 10 Shares for the reward of his great Seruices, as is there expressed, That euery one of those Shares ought to be 500 acres of land and so there was due vnto him 5000 acres vpon that ground, for w^{ch} he desired ~~that~~ the Spott of land (as he called it) wherein he formerly planted beinge about 6000 acres of ground should be sett out vnto him: But the Court hauinge neuer heard before of any such matter, and findinge it directly by the Kings Letters Patents, that a share should not be aboue 100 acres, would not consent vnto Capt: Martins Demaund, As for giuinge him any land by waye of gratuity hauinge bin once recompenced to the full by the iudgement of his best frend^e (as by his Patent appeareth,) the Court sawe no reasons to bestowe any newe fauo^{rs} in this kinde vpon him, consideringe that since that time he had donne nothinge of seruice to the Colony of Virginia and here at home, had of late so wronged the Company, as but that the Companie had a respect to their owne hono^r in nobly passage ouer iniuries, and so to some psons of hono^r who did interceed for him here, but they should haue thought and endeauoured to haue him punished and made an example: But yet he persistinge in his opinion, the Court gaue him time till the Quarter to make proufe that there was euer any such thinge ordered as that a single share should be accounted 500 acres. [80]

S^r Edwin Sandys signified that the Ea: of Southampton and himselfe had lately bin with my Lo Treasurer, to moue his lp: that the Contract intended with the Kinge might be brought to some conclusion at this Quarter Court: Wherevpon it pleased his lp: to promise to send the Articles as they had bin formerly agreed on ~~and~~ signed with his hand and with the addi^{ti}on onely of that Clause touchinge the bringinge in of virinaes, so that S^r Edwin Said he expected they would be brought in before the risinge of this Court.

Wherevpon m^r Deputy tooke occasion to moue that seeinge the bargain was so like to goe forward accordinge to the condi^{ti}ons agreed on by both Companies that it was high time to thinke of the man-

aginge and ordered thereof, in reguard ||that|| all the Tobacco from the Sumer Iland^e and a great quantitie from Virginia was like to come home before the next Quarter Court, and for taking order for bringinge home of the Spanish Tobacco, it was not without great preiudice alreadie so longe delayed as had bin signified vnto him by diuers skillfull Marchaunt^e, w^{ch} m^r Bennett beinge in the Court did likewise affirme.

ffor the takinge therefore of these thing^e into ||their|| consideraçon and y^e makinge some kinde of preparaçon against the Quarter Court, The Court appointed ||acquainted|| the Comitte^e hereafter chosen out of the Companies the 5^o Iunij last vizt

for the Virginia Companie

Ea: of Southampton.	}
S ^r Io: Brooke.	
S ^r Edwin Sandys.	
S ^r Iohn Dauers.	
m ^r Nicho: ffarrar Dp ^t .	
m ^r Bennett.	
m ^r Io: Smith.	
m ^r Ro: Smith.	}

for the Sumer Iland^e Companie

Lo Cauendish.	}
m ^r Barnard y ^e elect Gou ^o no ^r .	
m ^r Io ffarrar Dp ^t .	
m ^r Caswell Trer.	
m ^r Gibbs.	
m ^r Ditchfeild.	}

vnto whome were added by this
Courte

Lo: Padgett.	}
Lo: Haughton.	
m ^r Wrote.	
m ^r Sheppard.	
m ^r Mellinge.	
m ^r m ^r Meuerell.	
m ^r Withers.	}

who were entreated to meet about it to morrowe in the ~~morninge~~ afternoon [at 3 of the clock] at m^r Deputy ffarrars ~~house~~ and afterward at such time as they shall thinke most convenient. And the Court further declared their mind^e and intent^e that since they could not (^{w^{ch}} they much desired) avoide the bringinge in of Spanish Tobacco and that of the best Varinaes they thought it fitt both for the publique good of the Plantacons and Companie, and also in regard it was likely to be a matter of p^rfit that it should be p^rformed, by the Brothers of the Companie (who with their paines and purses haue vpheld the Plantacon) and not to admitt any Strangers into it (whereof it was conceaned many would be verie desirous) except such as should buy ~~any~~ fower shares of land of the Companie of 12ⁿ 10^s the Share, a course [w^{ch}] vpon ~~wh~~ the like occasion was held for the admittinge men into the Sum^r Hland^e Companie, these thing^e beinge put to the question were by ereccon of hand^e confirmed.

After this was read the orders of the former Co^mittee touchinge the Registringe of Contract^e between ~~private~~ men of the Company and their Servant^e the Coppie whereof doth here ensue.

The Committees fynde many greate inconvenienci^e and Abuses in the Carrying over of Servant^e to Virginia vpon condicons and bargaines made by worde of mouth onely.

ffirst diuers vngodly people that haue onely respect of their owne proffitt do allure and entice younge and simple people to be at the whole charge of transporting themselves and yet for diuers yeares to binde themselves Servant^e to them vpon hopes and promises of such rewards and recompence at the expiration of their times as they are no waye able to performe, but because the promise is onely made by worde of mouth and without wittnesse; at least of any that do vnderstand the affaires of the Plantation they are bold to promise ~~many~~ things whatsoever and in this kinde Diuers complaint^e haue come of late of ffathers and others abused in settinge forth his Children and Kindred.

Secondly there comes Daylie complaint^e from Virginia of people that are kept and Detained Servant^e by their Maisters, longer then the time couenanted w^{ch} because it was not expressed nor manifested by writinge the Maister as the stronger party tak^e advantage to prolong as himselfe think^e good.

Thirdly whatsoever the conditions haue bin here yet when the Servant is come into Virginia if he cannot shewe the contrary in writinge the Maister make his seruice of the longest and hardest nature of seruice and either by faire or fowle meanes the poore seruant is enticed or constrained there to enter couenant in writinge, & those such as he would haue here neuer haue yelded vnto, and in this respect diuers Planters do polittiquely forbear from makinge Couenante here and reserues it to be Donn in Virginia.

And on the contrary as by this meanes the Servant are oppressed by those Planters that carry them ouer: So likewise the Aduenturers here that send ouer Servant either without conditions in writinge as many do, or vpon conditions drawne by ordinary Seriueners who not vnderstandinge the different nature of seruice there and here make confused and pplexed Couenante and nothinge at all expressing [82] the true meaninge of the party wronged and abused by the Servant sent ouer, who either pretend their time of seruice to be shorter then indeed it is, or el challenge greater reward and wages then was promised and generally Demaund all such benefitt as the most aduantageable conditions of seruice that they can heare of enioyeth although there was noe such thinge intended in their Contracts.

Nowe for the full redresse of these abuses and for preventinge and avoyding that neither Servant be oppressed by vniust Maisters there nor ~~Servants~~ §Maisters§ here wronged and abused by faithles servant there and to the intent that all thinge beinge clearely and plainly expressed, iustice and right may be had and performed on both parte: The Comittees Do thinke it fitt that there should be lawe and order made that all men that shall send or carry Servant or Tenant to Virginia should binde the said Tenant or Servant vnto them by Couenante in writinge and that Coppies thereof should remayne here in the Court.

To w^{ch} intent they thinke fitt the Companie should make choise of some man expert of these affaires of the Plantation and nature of the Accō who should Drawe and engrosse all such Couenante accordinge to the heads presented vnto him, and should see the sealinge and Deliuery of y^e Couenante by either party and this Officer should send Coppies of all such Couenante¹ to Virginia by euery Shippe that goeth w^{ch} should there by some Officer to that purpose chosen be kept safe and orderly to the intent that vpon complaint of wronge either §by§ M^r or Servant right and Iustice might be donn to the party greiued.

They thinke fitt likewise that the Comitte appointed for petiçons should at some certaine times consider and pervse these kinde of Contracts to y^e intent that if they shall finde any of vniust and vnchristian nature as oppressiue or

¹Written over the word "Contracte."

otherwise they may be dissanulled and made voide. They thinke likewise in fauor and encouragement of poore people that goe Servant℥ that such wages and reward℥ as are promised them at the expiracon of their service should be paid and Discharged by their Maisters to the full and that they should haue a precedency of all other Debt℥ whatsoever except those that are due vnto the generall Companie.

They thinke fitt that the Officer for his Draweing of these Contracts should haue a reasonable fee proporeconable to that w^{ch} is paid here in London for Contracts of the like kinde.

They conceaue that this cannot be any way greiuous vnto any man for the thinge it self is of absolute necessity that the Couenant℥ & condiçons should be expressed in writing & exceedinge beneficiall to all that meane honestly and that the Drawinge of them should be by an Officer chosen by the Companie and not by any other, is the practise of all other Companies and Societies, and in the Virginia Companie so much more necessarily to be practised by howe much more it is their Duety to endeaueor that all y^e affaires and accons of the Colony in Virginia should haue a dependancy vpon the Companie here and thereby they may be more closely cymented vnto this State, and besid℥ it seemeth vnto y^e Comittees a verie fitt ||that all|| euidence pledable in Virginia should either originally or at least by Attestacon be made Records of this Court.

W^{ch} beinge read the Court did well like of referringe the ~~confirmacon~~ ||ratification|| of them, as also the appointinge of fitt Officers for this buissines vnto the Quarter Court. [83]

AT A QUARTER COURT HELD FOR
VIRGINIA IN THE FORENOONE THE
20TH OF NOUEMBER 1622

PRESENT

m ^r Deputy.	m ^r Barbo ^r .	m ^r Meuerell.
m ^r Gibbs.	m ^r Delbridge.	m ^r Bull.
m ^r Io: ffarrar.	m ^r Wheatley.	Capt: Brewster.
m ^r Sheppard.	m ^r Mellinge.	m ^r Cuffe.
m ^r Binge.	m ^r Bennett.	m ^r Webb.
m ^r Steward.	m ^r Wiseman.	with diuers others.

The Patent[℥] appointed to be drawne vpp against this Court were read and compared and beinge found agreeable to former President[℥] were referred to the Afternoones Court for confirmaçon vizt

A Patent to m^r Iames Steward of Buckham in Scotland esq^b.

A Patent to Tho: Graues of Doublin in the Realme of Ireland gent.

A Patent to Capta: Sam: Mathewes.

A Patent to Christo: Leuett of Sherburne in the County of Dorsett gent.

A Patent to Iohn Palmer gent.

A Patent to W^m Dilke of Clement[℥] Inn in the County of Midd gent.

A Patent to ffran: Baldwin.

All w^{ch} haue vndertaken to transport 100 psons a peece to Virginia.

M^r Deputy acquainted the Court that the moneyes for the Magazine were nowe due, and certified them that himselfe and m^r Barbo^r had disbursed well neare 250^{li} for settinge forth of the Shippwright[℥] w^{ch} was to be repaid out of the said moneyes and that also he had disbursed for the settinge forth of the people lately sent to Martins Hundred about 100^{li} w^{ch} was to be repaide from the Magazine. To w^{ch} Magazine about 3 yeares and a halfe agoe the Society of Martins Hundred had paid in 80^{li} to the intent there should be deliuered ten kine in Virginia w^{ch} were neuer deliuered to their people, but sold by m^r Abraham Peirs the Capm⁹cht at i5^{li} a Cowe and the proceed thereof returned to the Account of the Magazine.

Hee further also acquainted them that m^r Bull and m^r Caswell the Treasurer had for the reliefe of the Colony in Virginia taken vp 200^{li} worth of meale vpon their Bill[℥] w^{ch} was to be satisfied them, out of the moneyes of this Magazine: Diuers Brothers of the Company hauinge in the last Roll of Subscription vnderwritt and promised to aduenture these seuerall Somes that ~~that~~ should be due to them vpon the [84] diuision of these moneyes nowe due: Nowe in reguard that these disbursment[℥] had bin made by himselfe, and others for the seruice of the Companie here, and exceedingly for the aduancem^t and releife of the Plantaçons and Colony, Hee desired that the Court would giue order to the Trers of the Magazine instantly to demaund

payment^e of the money accordinglie as was agreed, to the intent him-
 selfe and others beinge satisfied ||of|| the moneyes due vnto them
 (whereof at present he had verie great vse) might be encouraged and
 thereby enabled to doe the Companie service in the like kinde ~~vpon~~
 ||then|| w^{ch} nothinge was more needfull, in regard that daylie there
 was disbursement^e to be made for the Companies publique affaires
 w^{ch} hardly himselfe or any other would be pswaded to doe, except they
 should herein finde y^e Compā very carefull of their safties and satis-
 facōn: And beinge further testified and approued vnto the Court
 that the Bargaine and Contract was made with m^r Essington to paye
 at the daye precisely And also that although in the makinge of the
 bargaine m^r Essington had by worde of mouth promised to paye in
 200^{li} within a Month; yet neuertheles he would not do it except he
 had allowance of 10^{li} p Centū for the time he paide it in before, w^{ch}
 accordingly the Treasurers were forced to ~~buy~~ ||giue||: The Court
 thought themselues the lesse to forbear the money longer then the
 daye, and besid^e that it ~~was~~ ||were|| a verie vniust and vnworthie
 thinge in them, for to do m^r Essington courtesie, to do so greate
 wronge and discourtesie to m^r Deputy and others who had bin longe
 out of their moneyes: wherefore it was ordered that the Treasurers
 should the next daye after, demaund payment of m^r Essington of the
 moneyes due, and earnestly solicited the same: And in case that
 within 14 dayes after it was ~~done~~ due at the furthest they receaued it
 not, they should then put the Bill of m^r Essington and his Partners
 in suite, And this was so much the rather ordered because they were
 informed by the Treasurers that m^r Essington had some fowerteen
 dayes or three week^e agoe told them that he was to stopp 400^{li} for the
 vse of S^r Samuell Argall, in regard that certaine Bill^e of Exchange
 w^{ch} he brought ouer wth him from m^r Peirs, were not paid, but m^r
 Peirs ~~hauinge~~ ||being|| priuately examined about the matter, had dis-
 couered that those bill^e beinge not paid here in England were sent
 backe vnto him againe and that therevpon he had made satisfacōn
 for them to the full in Tobacco and brought it to the Account of the
 Magazine as appeared fairely in his booke, w^{ch} m^r Essington hauinge,
 could not be ignorant of: Wherevpon the Treasurer m^r Bull certified
 the Court that that was but a Cauill, that since that m^r Essington had

again pretented that m^r Alderman Iohnson would stopp some of the moneyes for payment (as he said) of certaine Somes, for w^{ch} he stood [85] engaged for the Magazine Account and were yet vndischarged, But this m^r Bull the Treasuror made answeare (as he affirmed) that if Alderm: Iohnson could ~~rightly~~ ||iustly|| claime any thinge of y^e Magazine he should be iustly paid; But as for Shippinge of any of these moneyes he could not allowe it w^{ch} were to be paid vnto him and m^r Caswell (the bille beinge made vnto them) and accordingly m^r Essington was to resolute to doe: w^{ch} Answeare the Court well liked of and thought fitt.

And because the moneyes beinge paid in it wer fitt to knowe what each man was to receaue and that the auccount should be fully and perfectly audited, to the entent thereby that the great scandall and imputaçon w^{ch} lay vpon the Company ~~and~~ for this vnthrifte and pernicious enterprize, w^{ch} had somuch distasted the Colony in Virginia, and yet exceedingly impaired the Estate of the Aduenturers here, might either be altogether taken awaye or at least laid vpon them, whoe did deserue it: It was by many moçoned that nowe at last they might come to the true knowledge of the State and carriage of that Magazine w^{ch} was conceaued would be donn by an exact Survey and audite aswell of the Account^l kept here as of those brought home by the Capemarchant as also by the pvsall of the Letters and Instructions mutually giuen and returned on both pties, to w^{ch} intent there were nominated diuers Auditors vizt

m ^r Bull.	m ^r Withers.
m ^r Mellinge.	m ^r Caswell.
m ^r Boothby.	m ^r Cuffe.

who were entreated out of hand to audite the Account, and to giue vp vnto the Court a Declaracon of the true State and carriage of that buissines from the begininge vnto the present, But diuers of them desiringe that m^r Deputy might be ioyned with them he excused himselfe in regard of the multitude of important buissinesses that laye vpon him; w^{ch} although they acknowledged to be so yet they would not be satisfied except he would with the rest vndertake it, w^{ch} in the end he said vpon their comaund he was content to do, so that the

Audite might be in such a manner as might indeed be really and effectually performed, w^{ch} was that all the booke, Letters and others might be deliuered vp, to be p^{ys}ed by the Auditors at their leasure, that therevpon they might make such proufe and examina^{co}ns as they should thinke good, as for the auditinge after the manner as formerly hath bin, he proffessed he would haue no hand in it, knowinge very well howe in a short and cursorie runninge ouer of booke many errors might passe greatly to the preiudice of the Stocke and in the end perhaps to the discreditt of those who had allowed them. [86]

The Court seemed verie apprehensiu^e of this matter, in regard of some fresh examples where the strict p^{ys}all of Account^e had brought forth verie great proffitt vpon some Vndertaking^e w^{ch} heretofore vsed to come forth with losse or verie litle benifitt not to be spoken of: And therevpon it was by erec^{co}n of hand^e ordered that m^r Bull m^r Mellinge and m^r Cuffe should desire of m^r Essington and m^r Peirs the Capemarchant the seuerall Account^e Letters and Instruc^{co}ns w^{ch} if they should not willingly doe * * * ||although they sawe no reason why|| they should not trust them (there beinge no possibility to falsifie or alter any thinge) they were then to require them in the Companies and Aduenturors name to giue them Coppies thereof, and for the transcribinge, it was ordered the Magazine should allowe them and this course beinge so iust and reasonable they conceaued the Accountant^e would not be against, neither to denie it, nor to delaye it, either of w^{ch} thinge, if they should goe about to doe, the Court proffessed and declared that they would therein seeke such remeady as befitted them vpon so plaine wronge and abuse.

M^r Deputy acquainted the Court with a Noble Guift of the Lo: S^r Iohn of Basinge (vizt) 60 Cot^e of Male w^{ch} for the defence of the Country at the mo^{co}n of S^r Iohn Däuers in the name of the Companie he sent vp in August last and were sent in the Abigaile: The Court so kindly accepted both of the Guift, and the manner, as they thought fitt, that in their name verie hartly thank^e should be presented vnto his Hono^r, and vnderstandinge of the singular affec^{co}n, w^{ch} his lp: by his Letter proffessed vnto the Plantation, they thought fitt to choose him of the Counsell, and to bestowe on his lp: 10 Shares of land old Adventure

w^{ch} by erec^{on} of hand^l were confirmed hopinge that therevpon, he would affoord them his presence and assistance here, and perhapps the right to so much land might invite his lp: to the perticuler plantinge of it, to the encrease and aduancement of the Colony.

And forsomuch as S^r Iohn Brooke besid^e his auncient Aduenture, had for a whole yeare frequented the Court^e and with his Counsell and other meanes bin assistant in all the Companies buissinesses duringe that time: The Court thought fitt to choose them of their Counsell w^{ch} by erec^{on} of hand^l was confirmed.

M^r Deputy ||further|| acquainted the Company that m^r George Ruggle lately fellowe of Clare hall in Cambridge beinge a Brother of the Company and newly deceased (w^{ch} he said he could not without great greife men^{con}) had by his will bequeathed 100^{li} for the educa^{on} of Infidell^e Children w^{ch} he had caused to be put ~~vpp~~ into the Table: w^{ch} the Court well approued of; but seemed (at least the most part) to be vtterly ignorant of the person or qualities of the man: Wherevpon desiringe to be informed of both; m^r Deputy told them that he was a man [87] second to none in knowledge of all manner of humanity, learninge, and was so generally reputed in the Vniuersity of singuler honestie and integritie of life, sincere and zealous in Religion, and of verie great wisdome and vnderstandinge: All w^{ch} good part^e he had for these last three yeares, wholly almost spent and exercised in Virginia buissinesses, hauinge (besid^e continually assistinge his Brothers and himselfe with Counsell and all manner of helpe in their places) written sundrie treatises, for the benefitt of the Plantation and in pticuler that worke so highly comended by S^r Edwin Sandys, concerninge the Gouvern^t of Virginia but such was his modestie that he would by no meanes suffer it to be knowne duringe his life: But nowe beinge dead, m^r Deputy said he could not with a good conscience, depriue him of that Hono^r w^{ch} he so duely deserued.

M^r Deputy moued the Court that whereas from his Ma^{tie} and the Lord^e of his most Hono^{ble} Priuy Counsell the Companie had receaued a graceous and fauourable Answere touchinge the sendinge of 400 men out of the seuerall Sheires to Virginia in supplie of those that

perished by the Infidells that the prosecutinge and followinge of that mo^oon might be recomended to the Hono^{ble} Lord^e whose presence was in the Afternoone expected w^{ch} was thought verie ~~reasona~~^{ble} necessarie and ordered.

AT A GREAT AND GENERALL QUARTER
COURT HELD FOR VIRGINIA ON WEDENSDAY
IN THE AFTERNOONE THE 20TH: TH OF NOUEMB^R
i622

Ea: of Southampton.

Lo: Cauendish.

Lo: Padgett.

S ^r Edw: Sackuill.	m ^r Tomlins.	m ^r Penistone.
S ^r Edw: Sandys.	Capt: Bargraue.	m ^r Widdowes.
S ^r Iohn Brooke.	Capt: Martin.	m ^r Bayham.
S ^r Rich: Lovelace.	m ^r Challon ^r .	m ^r Robert ^e .
S ^r Hen: Mildmay.	m ^r Copeland.	m ^r Martin.
S ^r Rob: Killigrue.	m ^r Palmer.	m ^r Barbo ^r .
m ^r Edw: Spencer.	m ^r Scott.	m ^r Colt.
m ^r Nicho: ffarrar Dpt.	m ^r White.	m ^r Caswell.
m ^r Gibbs.	m ^r Bull.	m ^r Harrison.
m ^r Wrote.	m ^r Palavicine.	m ^r Newport.
m ^r Wilmer.	m ^r ffoxten.	m ^r ffogge.
m ^r Bromefeild.	m ^r Bennet.	m ^r Rossingham.
m ^r Risley.	m ^r Wiseman.	m ^r Procter.
Do ^r Gulstone.	m ^r Meuerell.	m ^r Sparrowe.
m ^r Io: ffarrar.	m ^r Stone.	m ^r Geo: Smith.
m ^r Porter.	m ^r Garrett.	m ^r Hobson.
m ^r Io: Smith.	m ^r Delbridge.	m ^r Bromefeild.
m ^r Bland.	m ^r Morewood.	m ^r Spruson.
m ^r Shepard.	m ^r Peake.	m ^r Addison.
m ^r Cranmer.	m ^r Barkham.	m ^r Wheatley.
m ^r Binge.		m ^r Chetly.
m ^r Derds.		with diuers others. [88]

After the readinge of the former Quarter Court, there was reade the Præparatiue Court and y^e Court held this day in the morninge, and the seauen Patent[℥] w^{ch} were then compared and approued of as also diuers other buisinesses proposed in the said Court[℥] were nowe put to the question and by a generall erec^ō of hand[℥] ratified and confirmed.

The Ea: of Southampton acquainted the Court that he had that morning receaued from the Lord Treasurer by S^r Arthur Ingram certaine pposi^ōns (concerninge the Contract) w^{ch} S^r Arthur Ingram certified by his letter that the Lord Treasurer would confirme and ratifie wthout any further varia^ōn at all, if the Companie would yeald therevnto.

The Proposi^ōns beinge read m^r Deputy said that the difference of them nowe sent from these formerly propounded by the Companie was the cause that had so longe kept their I^{ps} in Counsell, and for the differences (after an exact pervsall,) they found them to be these (vizt:) that the 9th Article was left out, and two newe ones added w^{ch} in these newe Propositions were the eight and Tenth Article, whereof the first giuinge a Third yeare for the bringinge in of the 80000 w^{tt} of Spanish Tobacco, in case it could not be conveniently donne in the two first was by their I^{ps} and all the Counsell conceaued to be a matter of advantage and benifitt, but the ||two|| other were the thing[℥] that they were nowe to take into their considera^ōn: ffor the first w^{ch} was the 9th Article left out, concerninge the settinge of a rate and price vpon the Tobacco aswell for the Companie as the Retaylors, S^r Edwin Sandys said that the Lo: Treasurer did therefore leaue it out, because ~~he thought it~~ ||it is thought|| needles at least the first part for settinge a price vponn the Companies Tobacco it beinge in their power to do what they would therein And for the rest that in case the price should be stinted in the Proclamation, it would not be in the Companies power afterward[℥] to raise it w^{ch} hee esteemed might proue of so great da^mage vnto them as if they knewe themselues they would no waye desire it: Against this it was obiected that the restrayninge of the imoderate prices of Tobacco by stintinge it at a reasonable rate would be of great reputa^ōn to the Companie; in regard that thereby

men should not haue the occasion so much ~~as~~ to wast their estat℄: and further, that by stintinge it at a reasonable price, would cause that men would not so boldly adventure to steale it in, when the danger and hazard was so great if they were taken, and the gaine could not be great though they escaped: And this the ~~Companie~~ Committee in their first consultacons, had conceaued to be one of the mayne Stopps and barr to keepe out Spanish Tobacco: To w^{ch} it was replied that the prices could not be so lowe stinted, but with such a largenes as there would be lefte a verie great deale of aduantage to them, that could steale it in, wherefore that preuention would not in effect proue of that waight as was conceaued: And for the first obiection, it was said, that if the Companie from the first hand did sell at indifferent rat℄, it was impossible for the Retaylors, ~~for the Retaylors~~ any longe time to sell at excessiue prices, for all men would after a short while fetch it of the Companies as it were at the Wellhead, if they found they were exacted vpon by the Retaylo^r. [89]

It was moued by some that if it were not fitt the prices be stinted by the Proclamation, yet it might be agreed, that the Companies should haue a power to stint it from time to time as they pleased: but that was generally adiudged to be a thinge contrary to all the rat℄ of tradinge and of equity, and such as no Retaylers would deale with the Companie vpon, for havinge the sole sale in their hand℄, it was in their power to haue what they would of them, and if likewise it were in their power afterward to sett their prices, it would be in their handes at all times for their owne aduantage to vndoe them, neither was this Proposition thought to be sufficiently qualified by a mocon w^{ch} some made, to restraine the alteracon of prices to two sett times of the yeare onely, wherefore after longe and serious debatinge of the point, it was put to the question and by hand℄ ordered, that that article as the Lord Treasurer desired should be cleane lefte out.

ffor the second Proposition it was after much debate and reasoninge thought to be soe dangerous as the Companies might noe waye therevnto agree, It beinge conceaued that estimacon of the damage might be so great as might vtterly vndoe the Companies, wherefore it was

thought most necessarie to desire a qualificacon of that Proposition and to reduce the danger vnto some kinde of certainty if nothings else could be obtained: To w^{ch} intent the Ea: of Southampton was humbly requested by the Court together with S^r Edwin Sandys to treat with the Lo: Treasurer thereabout and to bringe it to such forme as might be tollerable; w^{ch} if it could be obtayned in any reasonable sort, the Companie seemed willinge to accept of it, And whereas nowe nothinge could be concluded, the Court did transmitt the power of it fully ratifyinge and confirminge the bargaine and Contract vnto the Quarter Court for the Su^mer Iland^e to be held the Wedensday after; wherevnto all the Aduenturers were likewise to be warned. And although in this pointe, the letter of the ~~lawe~~ lawe might in rigor seeme somewhat violated, yet the necessity beinge duely considered, and withall that the Su^mer Iland^e Companie is equally engaged in the buisnesses and that all the perticuler Members thereof are of the Companie of Virginia; It was not thought or adiudged any vniustice or wronge by waye of consequence to conclude in a Su^mer Iland^e Quarter Court the bargaine for the Virginia Companie, no more then it was for the Su^mer Iland^e Companie to be included by waye of anticipacon in the bargaine, that was at the last Virginia Quarter Court passed for both, and further it was ordered that a Virginia Court should be warned ||in|| on ffriday beinge the Præparatiue Court for the Su^mer Ilands, ||and|| therein to take such further resolucon as should be thought fitt.

Capt: Martin moued the Court that for somuch as they would not graunt him that proporcon of land w^{ch} he pretended to be due vnto him (w^{ch} he said ought to be 500 acres for a share) they would redeliuer vnto him his old Patent, The Court blaminge him much for his impertinences and obstinacy gaue him for his last and resolute Answere that if he would accept of such a Patent as they could graunt, he should haue it with as [90] ample priuiledges as had bin graunted to the Ea: of Southampton or any other Aduenturer whatsoever: But for his old Patent, it could not be redeliuered vnto him beinge voide not somuch by his last resignacon, as by the Graunt it selfe.

It was ordered that the Bookeep should haue the registringe of Passengers names that goes to Virginia as also of the Contracte between Masters and Seruant^e that are sent thither.

M^r Wrote moued, that in respect the Companies Suite with m^r Wye hath nowe almost three yeares depended in the Admiralty, and he and m^r Berblocke hauinge followed it with ~~much~~ all care and diligence, and yet can haue no end of it that the Companie would thinke vpon some course that it might come to a Conclusion: Wherevpon the Court were humble Suitors vnto the Lo: Cauendish that he would in the Companies name moue the Iudge for a finall end this Terme.¹

~~AT A || PREPARATIVE || COURT HELD FOR VIRGINIA || THE SUMER ILANDS ||
ON FRIDAY THE 22TH OF NOUEMB^R
1622 BEINGE THE SUMER ILANDS PRE-
PARATIVE COURT DAY PRESENT RIGHT
HONO^{BLE}~~

|| AT A COURT HELD FOR VIRGINIA ON
FRIDAY THE 22TH OF NOUEMB. 1622.
BEING THE SUMER ILAND^e PREPARATIVE
COURT DAY.

PRESENT

y^e Right hon^{ble} || Ea: of Southampton.
Lo: Cauendish.
Lo: Padgett.
S^r Edw: Sackuill.
S^r Iohn Dāuers.
S^r Io: Brooke.
S^r Edwin Sandys.

¹ The decree given in December is referred to in List of Records, No. 379, Vol. I, page 161, *ante*.

m ^r Io: ffarrar.	m ^r Paulavicine.	m ^r Webbe.
m ^r Nich ^o ffarrar Dpt.	m ^r Widdowes.	m ^r Iadwin.
m ^r Gibbs m ^r Wrote.	m ^r Nicholle.	m ^r Seaward.
m ^r Bromefeild.	m ^r Meuerell.	m ^r Bolton.
m ^r Wrote.	m ^r Roberte.	m ^r Cuffe.
m ^r Binge.	m ^r Baynham.	m ^r Hackett.
m ^r Rogers.	m ^r Etheridge.	m ^r Harris.
m ^r Io: Smith.	m ^r m ^r Mellinge.	m ^r Copland.
m ^r Ro: Smith.	m ^r Edwarde.	m ^r Withers.
m ^r Berblocke.	m ^r Geo: Smith.	m ^r Tomlins.
m ^r Ditchfeld.	m ^r Sparrowe.	with diuers others.
m ^r Caswell.	m ^r Newport.	
m ^r Swinhowe.	m ^r Harrison.	

This daye beinge the Præparatiue Court for the Suñer Ilands; after that the Suñer Ilande Court had passed all the perticuler buissinesses that were to be considered of and come to the great matter, the Contract with his [91] Ma^{tie} they thinkinge it most convenient to receaue the informaçon of what the Ea: of Southampton and S^r Edwin Sandys had donne concerninge the qualificaçon of the Proposition referred vnto them by the Virginia Quarter Court from them as in a Virginia Court desired that the Suñer Ilande Court beinge suspended a Virginia Court might begin w^{ch} accordingly was donn, the Ea: of Southampton takinge the Chaire.

And after a recapitulaçon of all that had passed the Quarter Court, he presented ||the|| eight Propositions qualified in manner followinge (vizt:)

And it is desired that an indifferent Couenant be drawne vp by his Ma^{ties} learned Counsell and the Counsell for Virginia and the Suñer Ilands, that in case an extraordinary charge shall haue bin laid vpon the said Varinaes Tobacco by the State of Spayne since the feast of S^t Michaell the Archangell last past (beinge the time ~~since~~ §whence§ this Contract is to haue begininge) or hereafter shalbe laid duringe the time of three yeares from thence next ensuinge more then

was at the said feast of S^r Michael last past in such cases the Companies shalbe clearely discharged of their said Couenant of bringing in of Spanish Tobacco from the time the said extraordinary charge shalbe laide vntill it be reversed and after the reversinge thereof, the quantity of the best varinaes Tobacco w^{ch} shall then remayne vnbrought in of the said fowerscore thousand waight shalbe brought in within the compasse of the first three yeares w^{ch} shalbe or haue bin cleare from the said extraordinary charge to be computed from the bringinge of this Contract, and in case there appeare any practise by the ||sd|| Merchant^e of Spayne or others by meanes whereof the said Companies cannot make their Prouisions of the said quantitie of the best varinaes Tobacco as they haue agreed vnto but to their excessive charge; In such case the Companies not to be pressed vpon the said Couenant in extreamity, but to make his Ma^{tie} such satisfac^{on} as shalbe iust and conscionable, but if by the practise ~~and~~ fraude, or negligence of the said Companies their facto^{rs} or Deputies the said quantitie of 80000 waight of the best Varinaes Tobacco shall not be imported within the compasse of the said first three yeares, then the said Companies shalbe answeareable to his Ma^{tie} for euery pound waight so wantinge of the said Varinaes Tobacco belonginge to his Ma^{ty} Third after the rate of 10^s, the pound waight.

W^{ch} beinge read the Ea: of Southampton acquainted them that although the word^e were drawne vp by S^r Edwin Sandys yet it was directly accordinge to their agreement with my Lo: Treasuror and that his lp: gaue them order so to sett it downe, and that (he said) was all and the best that they could obtaine, wherefore he willed the Companie would deliuer their mind^e freely whither they would in this manner accept of the bargaine or noe: Wherevpon although there were some fewe exceptions taken at it, yet in the end the Court seemed to conceaue a necessity in concludinge the Bargaine for the mainetenance and vpholdinge of the Plantation and that hauinge yealded to so many thing^e certainly preiudiciall ~~to him~~ vnto them|| in matter of profitt it were not wisdom^e now^e to breake vpon feare of vncertaine dangers w^{ch} they might easily (by God^e blessinge) through good care and ~~proff~~ prouidence ouercome: wherefore esteeming^e

of this bargaine [92] (as they were aduised by a noble and Hono^{ble} person) not as good meat well sawced but of a porcion necessarie for their health beinge willing (as his lp: said) deuorare molestiam of this bitter pill, they desired the Ea: of Southampton to put it to the question: Wherevpon the Article by ereccon of hande was confirmed ||and approued|| accordingly as it was read: After, ~~of Bar~~ w^{ch} his lp: said, that since nowe they were in such liklyhood to conclude the bargaine, himselfe and the rest of the Lordē together with the Counsell and Co^mittee w^{ch} had mett vpon Tuesday before the Quarter Court, thought it most requisite to nominate some of the principall Officers who were to haue the orderinge and managⁱng of this buissines: w^{ch} beinge well chosen both for sufficiency and integrity, would giue much encouragement and content to both the Companies and Collonies and all others that had interest in this buissines, Herevpon the Lord Cauendish acquainted the Court that the Co^mittee thought that there was to be one chiefe man to gouerne and direct all, and that next vnder him, there should be a Deputy and then a Treasurer and next them 8: Co^mitees at the least besidē the Officers as for the places of Deputy and Treasuror although they were two distinct places and Offices, yet because they were afraide this yeare not to be able to raise such a sufficiencie of meanes as might be a iust reward to two such psons as were requisite for the pformance of those seuerall places they thought it best to vnite them for this yeare and that the Treasuror besidē the charge of that office should likewise be the Deputy to the Directo^r, w^{ch} ||course|| the Court seemed well to like of and therevpon nominated S^r Edwin Sandys for Directo^r, who very earnestly besought them to spare him, beinge vnexperienced in matter of marchandizinge and tradinge, of both w^{ch} that Officer would require exact knowledge, besidē he could not continually reside in Towne havinge a great family in the Country, and began nowe as he grewe old to waxe weake, and therefore purposed rather to withdrawe himselfe from buissinesses of the world then to engage himselfe further, But the Court not satisfied with his reasons earnestly pressed him (and in particuler the Ea: of Southampton and the other Lordē) not to refuse the place wherein he might do soe singuler seruice vnto the Plantacon, the whole welfare of which did almost depend vpon the good

managinge of this buissines, wherevpon by a generall vote of the Court it beinge put to the question he was nominated to stand in elec-
cion for that place at the Quarter Court.

Next the Court proceeded to the nominacon of a Treasurer, for w^{ch} proposinge m^r Iohn ffarrar he desired the Companie to consider what a burden of buissines they had already laid vpon him w^{ch} had made him to neglect his owne priuate estate, for almost these fower yeares together: All w^{ch} although the Court acknowledged yet they held him so fitt a man for that buissines ||as|| that they would propose no other to be Treasurer, and therevpon beinge put to the question, he was by a generall ereccon of hande nominated to stand in eleccon for the place of Treasurer, wherevnto at last he submitted himselfe As for the nominatinge of the Comittées and other Officers with the Salaries the Ea: of Southampton thought it most fitt to leaue it to the consideracon of the Quarter Court on the next Wedensday. [93]

S^r Iohn Brooke moued that in regard Captaine Martin went away from the last Court so ill satisfied in his buissines, and had therevpon not spared to wronge some worthie Members of this Companie verie well deservinge with his clamerous report, in such a manner as if himselfe had bin so vsed he would neuer haue come to the Court againe without ~~reparacon~~ ||reparation||, that therefore there might be a meetinge on purpose to heare what he could saye for himselfe, at w^{ch} meetinge he wished the m^r of the Rolle (vnto whome he was allied) might be also entreated to ||be|| present: Wherevpon it was ordered that m^r Deputy should giue notice to the M^r of the Rolle that the Companie would be ready to attend his Hono^r about Capt: Martin, whensoever it should please him to appointe a meetinge.

A request was made in the behalfe of one Iohn Waller an auncient Planter in Virginia that forasmuch as he paid in to S^r Tho: Smith 30^s in January 1606 as appeared by a Note vnder S^r Tho: Smiths hand (nowe presented in Court) that therefore the Companie would please to graunt him a ratable proporcon of land for his said aduenture, as also reforme the Printed booke, where he ||is|| acknowledged to haue

paid only 5^{li} Wherevpon it was ordered that the Secretary should repaire to S^r Tho: Smith and shewe him the said Note, w^{ch} if S^r Tho: did acknowledge to be his hand, he should be allowed the proporcion of land due vnto him for his said money and be also rectified in the Booke.

AN EXTRAORDINARY COURT HELD FOR
VIRGINIA ON WEDENSDAY IN THE
AFTERNOONE THE 27TH OF NOUEMBER 1622
BEINGE THE SUMER ILAND^e QUARTER COURT

||PRESENT

y^e Right hon^{ble}|| Ea: of Southampton.

Lo: Cauendish.

Lo: Padgett.

Lo: Maynard.

S ^r Edw: Sackuill.	m ^r Barbo ^r .	m ^r Couell.
S ^r Edwin Sandys.	m ^r Caswell.	m ^r Kirby.
S ^r Iohn Dauers.	m ^r Bennett.	m ^r Ed: Waterhowse.
S ^r Hen Mildmay.	m ^r Wiseman.	m ^r Seaward
S ^r Io: Brooke.	m ^r Mellinge.	m ^r Binge.
S ^r Ro: Killigrue.	m ^r Swinhowe.	m ^r Procter.
m ^r Deputy.	m ^r Meuerell.	m ^r ffreake.
m ^r Gibbs.	m ^r Winne.	m ^r Buckeridge.
m ^r Bromefeild.	m ^r Widdowes.	m ^r Lake.
m ^r Steward.	m ^r Baynham.	m ^r Hackett.
m ^r Wilmer.	m ^r Phesie.	m ^r Paulson.
Capt: Bargraue.	m ^r Viner.	m ^r Birkett.
Capt: Brewster.	m ^r Truloue.	m ^r Hobbs.
m ^r Io: Smith.	m ^r Scott.	m ^r Edward ^e .
m ^r Zouch.	m ^r Waterhowse.	m ^r Bland.
m ^r Robert ^e .	m ^r Gold.	m ^r Ditchfeild.
m ^r Tomlins.	m ^r Coxe.	m ^r Rogers.

m ^r Io: ffarrar.	m ^r Delbridge.	m ^r Stone.
m ^r Mole.	m ^r Elkington.	m ^r Harrison.
m ^r Whitly.	m ^r Ley.	m ^r Woode.
	m ^r Sparrowe.	m ^r Lilly.

m^r Barker.
 m^r Rossingham.
 m^r Lambe.
 m^r Taylor.
 m^r ffelgate.
 m^r Leuer.
 m^r Webbe.
 m^r Robertē.
 m^r Woodall.
 m^r Baldwin.
 m^r Browne.
 m^r Cuffe.
 with diuers others. [94]

This day was held the Quarter Court for the Sum̄er who beinge come to the great buissines of the Contract, it was moued by the Lo: Cauendish that the propoundinge debatinge and passinge of all those thingē concerninge the matter reserued for that daye might be first ordered and pformed in a Virginia Court w^{ch} was thought verie fitt and therevpon the Ea: of Southampton tooke the chaire, and because it was somewhat late, he put the continuance of the Court after 6: of the Clocke to the question w^{ch} was by erecōn of handē ratified.

His lp: then signified vnto them, that accordinge to the request of the Quarter Court himselfe and S^r Edwin Sandys had obtayned of the Lord Treasurer a qualificaōn of the 8: Proposition; w^{ch} was the onely thinge left vneconcluded by the Virginia Companie, w^{ch} qualificaōn havinge bin presented to the Preparatiue Court for the Sum̄er Ilands and approued by them and likewise well approued of by the Virginia Court held the same daye; he had caused the Propositions agreed vpon to be presented to the Lord Treasurer, who had signed them

with his hand w^{ch} his lp: shewed vnto the Court without any manner of alteracō in any thinge from that w^{ch} the Court desired onely hauinge strooke out certen wordē in the seuēth ||Article|| for some reasons as his lp: by his letter signified no waye importinge the Companie nor the Contract, w^{ch} wordē the Court adiudginge not to be materiall nor of moment thought fitt therein to giue the Lord Treasurer satisfacō and the rather because the Lord Treasurer (as the Ea: of Southampton shewed them) had so willingly let the worde (Receaued) stand, w^{ch} the Companie had enterlyned after the worde (proffitt) in the sixt Article for the better clearinge of the doubt they then made about it.

Herevpon after some pause, the Court seeminge all well satisfied and contented and no obieccō or scruple beinge made by any, the Ea: of Southampton said, that if they so desired, he would put both the eight Proposition as it was qualified and the whole Bargaine to the question w^{ch} the Court generally desired, and therevpon his lp: puttinge both to the question, the eight Article (as it was qualified) and the whole bargaine the same was ratified and confirmed with an vnanimous consent by a generall erecō of handē no one dissentinge.

This beinge ~~done~~ ||passed|| the Ea: of Southampton said that since they had nowe concluded the Contract they were to take order for the good execuō and performance thereof by the choise of able and faithfull Officers to manage the buissines with Salaries proporconable in some measure for their paines ||and|| by settlinge the whole buissines in a good course and frame, espeacially the bringinge in of the Spanish Tobacco a pointe of great importance, and w^{ch} might not be delayed, nor could be concluded vpon, except on this daye w^{ch} was the Quarter Court for the Sum̄er Ilandē and had also the power of the Quarter Court for Virginia, Concerninge these thingē, his lp: said, that himselfe together with the Lordē then present, and the Counsell beinge assisted by the Cōmittee had spent all Tuseday both forenoone and afternoone in consultaō and consideraō of these pointē and their iudgmentē and opinions herein he would [95] nowe deliuer vnto the Court desiringe them likewise freely to deliuer their iudgmentē and opin-

ions either for the approbation or otherwise of what he should nowe propound vnto them, w^{ch} he said himselfe the Counsell and Comitees had taken into their considerations not with intent to conclude any-thing nor to preiudice the Court, but ||only|| the better to prepare the buisnesses for them esteeming themselves as his lp: said as *Servant of the Court*.

For the first therefore his lp: said, that accordingly as was propounded formerly and in the Preparative Court, they conceaued there was to be one principall Officer by the name of a Director vpon whome the whole successe of the buisness almost depended.

Next vnto him was to be the Deputy, for without one it was impossible that the Director should be able to vndergoe all those buisnesses, that should be requisite to ~~this~~ ||w^{ch}|| office they conceaued there did belonge an extraordinary deale of paines and noe smale sufficiency.

The third officer was the Treasurer for keepinge of the Cash, then they conceaued it necessarie to haue at the least eight Comitees for the sellinge and disposing of their Tobaccos, and for the assistinge of the Director with their Counsell and helpes in the seuerall parte and Accions of the buisness, w^{ch} were verie many and exceedinge waightie and important.

Next a Bookeeper for keepinge of Account a man of Skill and industrie.

They conceaued it likewise necessarie that there should be two Cashiers whereof one to be a verie sufficient and substantiall man, who was to be continually resident in the Treasurie, the other a person of fidelity for the receauinge and gathering in of moneyes here in Towne or otherwise.

Further they ~~conceaued~~ ||thought|| it necessarie to haue a Clarke at all times to attend the Comitees and to be continually at the Directors hand, who should haue howerly vse of such a one, wherefore they thought fitt, he should be the Directors howshold Servant.

They conceaued it likewise most necessary to allowe the Deputy a Clarke to whose place there would belonge an exceedinge great deale of writinge.

It was also conceaued fitt to haue a Solicito^r for followinge of Suite of lawe many whereof were like to arise.

ffor takinge vp and receauinge of goodes, there was likewise to be a Husband to whome (with the allowance of one vnder him) the Custodie of the Warehowse should be comitted.

It was thought also most necessarie to haue a Beadle.

Other inferior Officers, his lp: said the Comittee thought not fitt to meddle with, but (beinge thinge of smale moment) to leaue the consideration of them to the Directo^r and Comittees and the choise of them to ordinary Court. [96]

And for the meetinge of all these Officers and ~~persons~~ pformance of their seuerall places and Offices, his lp: said it was thought absolute necessary that the Companie should take a howse.

These his lp: said were the Offices w^{ch} the Councell and Comittees thought necessary for the pforminge and executinge of this buissines and of whome they conceaued it necessarie to make a choise at this Court, desiringe the Court^e iudgement and opinion therein and withall acquaint them, that although the places of Deputy and Treasurer were two distinct Offices in themselues and would require therefore two persons, yet after a serious consideration thereabout (desirous to husband the expences to the best this yeare) they conceaued it best, (accordinge to the resolucon of the Præparatiue Court) to ioine them both in one.

The Court after some pause and deliberacon seeme verie well to like and approue of the thinge w^{ch} his lp: had propounded without exception or alteracon of any thinge.

Wherevpon his lp: seeinge them satisfied in these thinge said he would proceed and declare vnto them what Sallaries and reward^e were

by himselfe and the rest vpon mature deliberacon thought some thinge proporconable vnto the paines and charge that the Officers before menconed were to take.

He said that first they conceaued the Director would } 500^{li} — —
deserue verie well this yeare

The Treasurer who is to supplie the place of Deputy for this ~~yeare~~ yeare 400^{li} — —

The eight Comittes 50^{li} a peece 400^{li}

The bookep..... 80^{li} ¹

The Clarke for the Comittes..... 30^{li}

To two Casheers and Clarke for the Deputy..... 150^{li}

Solicitor 30^{li}

The Warehowskeeper who also might be the Husband for the Companies, and in reguard of this addicon of wages should abate 20^{li} of that Salary he had from them, his paines in those places not beinge so great as it was wont to be } 60^{li}

The Beadle 30

The inferio^r Officers 140^{li}

ffor a howse and Warehowses 180

So that the charge of the howse and Officers amounts } 2000
to.....

[97] w^{ch} his lp: said in their opinions was to be raised vpon the Tobacco And further conceaued it fitt there should be 500^{li} more for [all] other extraordinary occasion w^{ch} might arise, w^{ch} if it were not by consent and order of the Court^e expended for the advantage and improuement of the price of Tobacco should be repaid againe to euery man proporconably:

His lp: said likewise that in raisinge of the charge it was conceaued fitt by the Counsell and Comittes and agreed vnto by diuers (who

¹ The copyist first wrote 400, but struck out the 4 and altered the first cypher to an 8.

meant to be Aduenturers herein) that the Spanish Tobacco should beare a double rate in charges to that of the Virginia and Suñer Ilandē, w^{ch} would be an extraordinary great ease and advantage vnto the Plantacons So that howsoever this Soñe might seeme great of 2500^{li} w^{ch} was to be gathered, yet consideringe that 500^{li} was not to be expended, except for the aduantage of the Companie and of that of the 2,000^{li} remayning his Ma^{tie} beare one Third, and the Spanish Tobacco a proporcon double to the rest, they conceaued it to be noe great burden: but such as in the aduancement of the price, by their care and paines would be manifoldly repaid, As for the paines care and charge of the Officers himself and all the rest of the Counsell conceaued it would be farr aboue their Salaries and rewardē.

The Ea: of Southampton hauinge thus deliuered the matter, there was a generall silence in the Court: Wherevpon after a longe pause, his lp: desired the Court, that they would freely speake their mindē concerninge these thingē and declare what and howe they would haue them donn, sayingē againe that himselfe and the Comittees had not consulted and aduised of these thingē to conclude or determine any-thingē, but onely as their Servantē to prepare them to their consideracon, in whome only was the power and authority to determine and conclude matters: he therefore earnestly desired them without any respect of himselfe or the rest (from whome these proposicons came) to declare their mindē freely concerninge the pointe of the Salaries.

Herevpon m^r Robert Smith the Vnderchamberlen said he thought there were diuers gentlemen and other sufficient men that for conscience sake would doe the buissines for farr lesser rewardē.

To w^{ch} S^r Edward Sackuill made Answeare, that for his part he did thinke men bound in conscience to giue them whome they did imploye some reasonable satisfaccon for their labo^r and paines, And that he would neuer wish that these kinde of buissinneses w^{ch} concerned mens proffitt should be donn without reward somethingē answeareable hauinge found by experience that some that had for conscience sake serued this Companie had for conscience sake vndonn it. [98]

The Ea: of Southampton said that m^r Robert Smith was a verie honest man, and he thanked him for speakinge his minde freely desiringe others would doe the like.

M^r Deputy said that although he might be thought interested or partiall to those two psons ~~vnto~~ §vpon§ whome the two great Salaries w^{ch} onely could be excepted against were like to fall, yet havinge a single heart free from all priuate endē, he durst affirme that the rewardē were so farr short of the paines care ~~and~~ travell and charge that they should vndergoe that but for conscience sake and the good of y^e Plantations neither would he pswade nor he was assured would they accept of the Offices: But m^r Barker said that havinge followed these Courtē many yeares he had neuer heard of so great Salaries, as 5 and 400^{li} for an Office, but had heard of 500^{li} and 1000^{li} wantinge in some Accountē by them who did buissinesses for nothinge.

M^r Ditchfeild said that this was like to be a hard yeare and of the least profitt, and because perhaps there would not be so great a quantity of Tobacco brought in, there would ~~be~~ require the|| lesse trouble and paines, and therefore he wished that the Salaries might be easier.

To w^{ch} the Ea: of Southampton made Answere that for the first part he was of his opinion that it would be a yeare of the least benefitt, but for the second part, he thought cleane contrary that the trouble of this yeare would be farr more then any of the succeedinge, in regard of the great difficulties that are in the setlinge of newe buissinesses more then in prosecutinge of them, when they are once ordered and settled in good frame and course.

After this no man makinge further obieccōn and many approuinge and well likinge the proporcion of Salaries and desiringe his lp: to put them to the question, his lp: said he would once againe read them vnto, w^{ch} ~~beinge~~ ~~hauing~~ donn and no man makinge any obieccōn after a good pause his lp: put all those thingē formerly proposed concerninge the Officers and Salaries to the question: All w^{ch} were by ereccōn of handē approued of and confirmed.

This being ended the Ea: of Southampton desired them to nominate whome they would haue to be their Director and Treasurer (w^{ch} were to be ballated) the rest were thought fitt should be chosen by erec^on of hande.

Wherevpon for Directo^r was nominated S^r Edwin Sandys and for Treasurer and Deputy m^r Iohn ffarrar, and no other beinge named S^r Edwin Sandys was first put to the ballatinge Box and was chosen by 65 ball^e and had only fve ball^e against him. [99]

Afterward m^r Iohn ffarrar beinge put to the Ballatinge Boxe for Treasurer and Deputy, was chosen by 68: ball^e havinge only two Ball^e against him.

After this the Court named for Co^mittees.

m ^r Bennett.	m ^r Ditchfeild.
m ^r Barbo ^r .	m ^r Bland.
m ^r Caswell.	m ^r Wiseman.
m ^r Wheatly.	m ^r Meuerell.
m ^r Gifford.	m ^r Edward ^e .
m ^r Withers.	m ^r Couell.
m ^r Mellinge.	m ^r ffelgate.
m ^r Geo: Smith.	m ^r Bull.

w^{ch} beinge put to the ~~question~~ erec^on of hande these eight by plurality of hande were chosen

m^r Bennett.
 m^r Barbo^r.
 m^r Caswell.
 m^r Wheatley.
 m^r Gifford.
 m^r Withers.
 m^r Mellinge.
 m^r Geo: Smith.

Vnto w^{ch} Co^mittee for their better assistance by reason many waightie occurranes would happen of higher nature then proffitt, his lp signi-

fied that the Counsell and former Cõmittee at their last consultãcons held it likewise fitt there should be an addĩcon of eight or ten more without Salaries as Cõmittees extraordinary to be chosen out of the Counsell, Notwithstandinge it was ~~propounded~~ ||provided|| and ordered that the Directo^r and the rest of y^e Cõmittees both ordinary and extraordinary shall not haue any concludinge power in any matter of waight touchinge this buissines without the opinion and assent of the two Companies in their seuerall Court^e who are to be made acquainted from time to time with their proceedinge: Wherevpon for Cõmittees ||extraordinary|| the Court nominated the right hono^{ble}

Lo: Padgett.	S ^r Hen: Mildmay.
Lo: Maynard.	m ^r Gibbs.
S ^r Ed: Sackuill.	m ^r Wrote.
S ^r Io: Brooke.	m ^r Io: Smith.
S ^r Io: Dāuers.	m ^r Ro: Smith.

ffor Bookeeper m^r Wiseman and m^r Boothby beinge proposed choise was made of m^r Wiseman by plurality of hande.

The two Casheires and Clark^e were left to the choise of the Treasurer beinge to be answeareable for them.

ffor the Solicitor, m^r Waterhowse and m^r Hacket beinge proposed choise was made of m^r Waterhowse. [100]

ffor Husband m^r Webb was thought fittest, in regard the Company haue litle other imployment for him; And in respect he is allowed 60^{li} for this buissines, the Companie to ease their hand deducted 20^{li} of that they formerly allowed him.

ffor Beadle choise was made of m^r Carter.

After this vpon mõcon that a Cõmittee might be appointed for drawinge vp the oathes for their seuerall Officers aforementioned the Court referred it to be donne by m^r Nicholas ffarrar and the former Cõmittee extraordinary, who were entreated to meete at m^r Deputies on Saturday next in the afternoone to aduise about the same.

After this m^r Deputy acquainted the ~~Company~~ ||Court|| that the Counsell and Co^mittee hauinge treated and debated largely concerninge the bringinge in of the Spanish Tobacco, and findinge some willinge to be Aduenturers for the bringinge in of 40000 waight, thought good findinge no possibility to haue the whole vndertaken, at present to make offer and to giue liberty to such as would vnderwrite for the bringinge in of that quantitie vpon such condiçons as partly the Court^e had ordered and the Comittee appointed by the Virginia Companie in their Præparatiue Court for that purpose, had likewise thought fitt, And that the Counsell and Co^mittee hauinge appointed ~~some~~ him to drawe vp a Roll to that purpose he had accordingly donne it, w^{ch} the Counsell had before the sittinge of the Court read and approued and he nowe presented it vnto the Court to receaue their approbaçon or amendment, w^{ch} beinge donne and the Court fully informed of the perticular point^e therein, it was put to the question and by erecçon of hand^e ratified and confirmed the Teno^r whereof followeth (vizt).

The Rolle:

The Co^mittee were desired by the Court to take care to looke out for a convenient howse and Warehowse for the Companies vse.

The Co^mittees also apointed heretofore to attend m^r Atturney about drawinge vp of the Patent were nowe desired to proceed in that buisines with expidiçon.

M^r Iohn ffarrar desired a Co^mission might be graunted for the Bona Noua, w^{ch} he and his Partners were settinge forth aswell for transportinge of some psons to Virginia as also for fishinge in part for the Colony w^{ch} was accordingly graunted, and m^r Deputy desired to drawe vp the Co^mission and to Seale it.

The like Co^mission at the moçon and request of m^r Bennet was also graunted for the Iohn & Frauncis. [101]

After the endinge of the Virginia Court the Lo: Cauendish tooke againe the Chaire and so the Su^mer Ilands Court went on, when his lp: recapitulatinge orderly and distinctly all the seuerall thing^e, that had bin propounded, debated and passed, in the Virginia Court belonginge to the Contract, desired the Su^mer Ilands Companie to declare

their mindē and opinions concerninge the same, w^{ch} they did by a generall assent, approvinge ~~of~~ all thingē without any manner of exception to any thinge at all, And generally desired his lp: to put the thinge to the question w^{ch} accordingly his lp: did and the whole Contract, and all the perticulars thereof were by erecōn of handē ratified and confirmed in all pointē accordingly as the Virginia Companie had passed them.

The Security for such as stood bound for the 1000^{li} taken vp at vse is transmitted to the next Court to be further considered of and then the Seale of the Companie to be affixed vnto it.

Vpon the Dissoluinge of the Courtē, the Ea of Southampton and the Lord Cauendish stood vp and both of them prayinge God that this buissines might be to the aduancement of the Plantacons (to w^{ch} only they protested they had respect in all the carriage thereof) desired the whole Companie nowe to make their best of that w^{ch} themselues had concluded and like honest and worthie minded men to giue their best helpes for the good execuōn thereof, and to ioyne with sincere ~~hands~~ ||hartē|| and willinge handē in the good accomplishinge and pformance thereof.

AT A QUARTER COURTE HELDE FOR THE SUMMER ISLANDS ON
WEDNESDAY THE 27 OF NOVEMBER 1622

Quarter Courte for
the Summer Isl-
ands

PRESENT

Right Honorable¹

Earle of Southampton.
Lord Cavendish.
Lord Pagett.
Lord Maynard.

S^r Edward Sackvill.
S^r Io: Brooke.
S^r Edwin Sandys.
S^r Henry Mildmay.
S^r Ro: Killigrue.
S^r Io: Dāuers.

} Knightē

¹ The caption of this Court is in the handwriting of Nicholas Ferrar.

m ^r Deputy Iohn ffarrar Deputy.	m ^r Whitley.	m ^r Phesey.
m ^r Gibbs.	m ^r Barbo ^r .	m ^r Viner.
m ^r Bromefeild.	m ^r Caswell.	m ^r Truloue.
m ^r Stewart.	m ^r Bennet.	m ^r Scott.
m ^r Wilmer.	m ^r Wiseman.	m ^r Waterhowse.
Capt: Brewster.	m ^r Robert ^l .	m ^r Gold.
Capt: Bargraue.	m ^r Woodall.	m ^r Cox.
m ^r Io: Smith.	m ^r Mellinge.	m ^r Delbridge.
m ^r Zouch.	m ^r Swinhowe.	m ^r Elkington.
m ^r Robert Smith.	m ^r Meuerell.	m ^r Ley.
m ^r Tomlins.	m ^r Winn.	m ^r Sparrowe.
m ^r Nich: ffarrar.	m ^r Widdowes.	m ^r Couell.
m ^r Mole.	m ^r Baynham.	m ^r Kirby.
		m ^r ffranc: Waterhowse.
		[102]
m ^r Seaward.	m ^r Edwards.	m ^r Browne.
m ^r Binge.	m ^r Bland.	Capt: Rossingham.
m ^r Procter.	m ^r Dichfeild.	m ^r Lambe.
m ^r ffreake.	m ^r Rogers.	m ^r Taylor.
m ^r Buckeridge.	m ^r Stone.	m ^r ffelgate.
m ^r Lake.	m ^r Baldwin.	m ^r Leuer.
m ^r Hacket.	m ^r Harrison.	m ^r Webbe.
m ^r Paulson.	m ^r Wood.	m ^r Cuffe.
m ^r Birket.	m ^r Lilly.	with diuers others.
m ^r Hobbs.	m ^r Barbo ^r .	

At the great and generall Quarter Court accordinge to the vsuall manner was first read the preceedent quarter Court held in Iuly last and ~~nex~~ next the Preparatiue Co^rt held on ffriday the 22th of this present Moneth after this was first read the Draft of the Graunt of Land^l in the Su^mer Iland^l to perticuler Aduenturers w^{ch} was by the last preparatiue Court referred to this Quarter Co^rt to be confirmed, or otherwise amended or altered as this Court should thinke fitt: Against it were alledged all those Argument^l that were vsed in the former Court, but they were not founde to be of any more force or validity then they then appeared, but on the contrary the said Inden-

ture both for the forme and the pticuler point℄ in it, appeared to be more fitt and necessarie the more it was Disputed and Debated of, but whereas some seemed to make a newe scruple that by the ~~said~~ ||third|| Article their good℄ here at home were lyable to the satisfyinge of such charges as by the Companie should be taxed for the Defence of the Iland or otherwise, Although it was conceaued and generally adiudged that the word℄ of the Article did not import any such thinge but were onely restrained to such good℄ and Comodities as should come from the Sumer Iland℄ only yet to giue full satisfacōn ||vnto them|| It was ordered that the word℄ should be made more plaine in this manner vizt.

That whereas it was before in these word℄ vizt: vpon the good℄ and proffitt℄ of the said A B his heires and Assignes or vpon the good℄ and proffitt℄ of his and their Tenant℄ and Servant℄ w^{ch} shalbe brought from the said Sumer Iland℄ into any of his Ma^{ty} Dominions or elsewhere: It was ordered to be in this manner vizt vpon the good℄ and proffitt℄ of the said A B: his heires and Assignes w^{ch} shalbe brought from the said Sumer Ilands or vpon the good℄ and proffitt℄ of his and their Tenant℄ and Servant℄ w^{ch} shall likewise be brought from the said Sumer Iland℄ into any of his Ma^{ty} Dominions or elsewhere.

And in the end after a verie longe disputaōn and full and ample discussinge of all point℄ the Lo: Cauendish propounded whither [103] the Indenture should passe or noe w^{ch} beinge put to the question the number seeminge to be equall on both part℄, it was thought fitt to diuide the Court, and that they that were on y^e affirmatiue part to be of the one side and the Negative on the other, w^{ch} beinge donn there was found to be on the affirmatiue part w^{ch} desired the Indenture should passe these 21 followinge vizt

Lo: Cauendish Gouvernor.	m ^r Bromefeild.	m ^r Cuffe.
Ea: of Southampton.	m ^r Tomlins.	m ^r Webbe.
Lo: Padget.	m ^r Barbo ^r .	m ^r Carter.
S ^r Edward Sackuill.	m ^r Geo: Scott.	m ^r Shippard.
S ^r Io: Dāuers.	m ^r Wheatley.	m ^r Hacket.
S ^r Edw. Sandys.	m ^r Nicho: ffarrar.	m ^r Ley.
m ^r Iohn ffarrar Deputy.	m ^r Mellinge.	m ^r ffelgate.
		m ^r Hobbs.

And on the contrary side there were found these 20 followinge vizt.

m ^r Caswell.	m ^r Ro: Smith.	m ^r Paulson.
m ^r Ditchfeild.	m ^r Wiseman.	m ^r Tickener.
m ^r Edwards.	m ^r Roberts.	
m ^r Bennet.	m ^r Couell.	
m ^r Delbridge.	m ^r Woodall.	
m ^r Rogers.	m ^r Penistone.	
m ^r Sparrowe.	m ^r Geo: Smith.	And fower others.

So that the thinge was confirmed and ratified.

This buissines beinge dispatched the Lo: Cauendish Gouvernor proposed the accomplishinge of the great worke of the daye w^{ch} was the concludinge of the Contract with his Ma^{tie} and the performinge those other thinge w^{ch} were necessarie for the accomplishment & execucon thereof, as namely the choise of Officers, their Salaries and other thinge pertinent thereto, But because the thinge did equally concerne the Virginia Companie with the Sum^r Ilands, and that all of the Sum^r Ilands Companie, were of the Virginia Companie, but not on the contrary: It was therefore thought fitt and convenient that accordinge to the power and authoritie giuen by the Quarter Court for Virginia the Wedensday before all those pointe should be first propounded Debated and passed in a Virginia Court and afterward in the Sumer Iland^e Court by w^{ch} course both the buissines might be more exactly determined of, in regard that from the greater number there was like to be the better Counsell giuen and likewise a labo^r spared for if they should begin with it in the Sumer Iland^e Court all thinge must be againe repeated to the Virginia Court afterward, for w^{ch} the day would scarce suffice: wherevpon it was ordered that the Sumer Ilands Co^{rt} should be suspended for a while but to be continued so longe after 6, of y^e Clocke as occasion should require and the Ea: of Southampton was desired to take the Chaire and to begin a Virginia Court w^{ch} accordingly his lp: did. ||w^{ch} Court is entred next before this bearing date the same day.|| [104]

AT A COURT HELD FOR VIRGINIA ON
WEDENSDAY THE 4th OF DECEMBER 1622

PRESENT

Right Hono^{ble} Lo: Cauindish

S ^r Edwin Sandys.	m ^r Bromefeild.	m ^r White.
S ^r Iohn Dāuers.	m ^r Wilmott.	m ^r Cuffe.
m ^r Alder: Iohnson.	m ^r Barbo ^r .	m ^r Geo: Smith.
m ^r Tomlins.	m ^r Withers.	m ^r Meuerell.
m ^r Deputy.	m ^r Caswell.	m ^r Widdowes.
m ^r Io: ffarrar.	m ^r Bland.	m ^r Hackett.
m ^r Gibbs.	m ^r Bull.	m ^r Sparrowe.
m ^r Wrote.	m ^r Mellinge.	m ^r Webbe.
m ^r Tho Shippard.	m ^r Addis.	m ^r Wiseman.
		with diuers others.

M^r Deputy said that for want of leasure he had not pfected the last Court kept on the Sum̄er Ilands Quarter Court day, Wherefore he desired the readinge thereof might be respited till the next Court.

M^r Deputy moued the Court for passinge of these Shares followinge vizt for three Shares w^{ch} himselfe had bought of m^r Edw. ffaucett and turned ouer to m^r Geo: Mordent, w^{ch} beinge allowed by the Auditors the Court ratified and confirmed accordingly, Also for two Shares w^{ch} Henry Lo: Lawarr ||and the Lady Cisly Laware|| passed ouer vnto m^r Nicho: Downe Cittizen and mereer of London w^{ch} the Court in like manner confirmed vnto the said Nicho: Downe.

After this the Quarter Court held the two and Twentieth of Nouember last was read.

Captaine Martin moued the Court for redeliuery of his Patent pre-tendinge it was onely deposited in the Secretaries handē vpon trust

but the Court answered, that the surrender was voluntary and absolute without any manner of condition, but onely to haue a newe Patent and therefore could not be deliuered him againe, wondring that against so many wittnesses to the contrary he would affirme any such thinge: Wherevpon he beinge further desirous the M^r of the Rolle might be entreated to giue a meetinge about his buissines according to a former order in that behalfe, The Court praied m^r Deputy accordinge to the said order to repaire vnto the M^r of the Rolle to knowe what time he would please to appoint a meetinge, and that if it might stand with his Honors leasure on Monday next a Court should be then called on purpose for that buissines onely.

S^r Edwin Sandys said that forsomuch as it was ordered at the last Court that the Co^mmittee appointed for the Tobacco buissines should from time to time make report vnto the Companie of their proceedinge in those affaires he would therefore relate in perticuler what had bin donn therein by them: ffirst that the Lord Treasurer had receaued [105] the Propositions as they were agreed on at the last Court, and had promised to giue direc^cions to m^r Attorney imediatly to drawe vp the Patent accordingly: But his lps sodaine goeing to Newmarkett to the Kinge, had caused that to be forgotten, notwithstandinge m^r Attorney beinge made acquainted with the Contract, said, although he had as yet receaued no direc^cion from the Lo: Tr^ear, yet for expidi^cions sake he would prepare the buissines against his lp^s returne.

Hee further signified that because ~~of~~ the Delay of the Proclamation, might not breed any preiudice to the Companies, the Co^mmittees had accordingly as the Lord Treasurer by S^r Arthur Ingram aduised them, drawne vp the forme of a Letter to be sent to the Port^e in his Lp^s name, giuinge notice of the Bargaine concluded between his Ma^{tie} and the Companies and straightly charginge them to inhibite the bringinge in of any Tobacco but accordingly: W^{ch} letter was deliuered to S^r Arthur Ingram who promised to procure his lp: to signe it withall expedition if it were not already donn, and to cause it to be sent downe imediatly.

As for the Proclamacon he said himselfe and the Comittees conceauinge there was great necessity in speedinge of it, had satt many dayes in perysinge all former Presidentē of this and many of the like kinde, and out of them collectinge what they conceaued to be fitt and proper, and likewise addinge diuers other perticulers, w^{ch} were conceaued either necessary or beneficiall they had drawne a Proclamacon whereby m^r Attorney might wth lesse labo^r and in shorter time dispatch it: w^{ch} vpon his lp^s returne from Newmarkett they hoped would be instantly effected.

Hee further signified, that for bringinge home of the Spanish Tobacco, the Roll agreed vpon in the Quarter Court was engrossed, and there was already by his Solicitacon vnderwritt a good Some of money neare vpon 2500^{li}.

And whereas it was ordered at the last Quarter Court, that such as beinge not free Brothers of the Companie and yet desired to aduenture in this Iointe Stocke should first buy fower Shares of land of the Companie, he wished it had bin ordered for a lesse number of Shares for that he knewe some worthie gentlemen would §willingly§ haue vnderwritt in the said Roll, if they might haue bin admitted vpon the purchase of two Shares onely, but he said he spake this onely ||but|| by the waye.

Herevpon m^r Wrote tooke occasion to saye that he sawe no reason why they should be so strictly bound to those orders as if those orders were like to the lawes of the Meades and Persians neuer to be altered or revoaked Beside he said that this order had not his due comittment (as it ought to [106] haue had by their lawes) for he said himselfe was the first Proposer of it, w^{ch} was no sooner moued but it was forthwith ordered. And therefore said, he wold nowe moue and propound vnto this Co^{rt} that in regard not onely that perticuler order but also some other matters of speciall consequence vnto the Companie were proposed and passed at the last Court held for Virginia on the Sumer Ilands Quarter Court daye without that due preparacon as the lawes and orders of the Companie required in ~~that~~ §like§ cases, that therefore it might nowe be ordered that no Acte hereafter be

made to binde the Companie in the same Court wherein the matter is first proposed but rather that it might ruñ his due course of examina-
 çon by a Coñittee or in the followinge ordinary Court before it be ordered; for he said he had obserued an Article passed in this Roll (amonge other thinge) whereat many tooke exception, and was the only cause of their vnwillingnes to vnderwrite to the said ||Roll|| w^{ch} otherwise would haue aduentured largely in this buissines, as namely where the Companie are ordered to beare a Tenth part in the said Iointe Stocke, and to giue their Seale for Security, whereby it was conceaued that if the buissines should not prosper well, euery mans priuate estate was bound to repaire the losse and make vp the Kings part: And he added the Companie beinge in debt, the moneyes paid in to the Companies by such as subscribed might be presently seized vpon accordinge to the Custome of the Citty whereby the Companie should paye vse for the Stocke and not haue the same to imploy to any benefitt.

Touchinge the first pointe of m^r Wrotes Allegaçon S^r Edwin Sandys answered that there was a very great difference between a lawe w^{ch} ought to be made in that solemne manner as he had intimated, and a perticuler buissines as this ~~is~~ was.

M^r Deputy said he would not propound the coñmittinge of these thinge againe, beinge determined by the Quarter Court neither did he conceaue any defect to haue bin in the manner of passinge them, for although m^r Wrote was he that propounded it yet it was not a thinge then sodainely thought vpon, but propounded by m^r Deputy himselve to diuers of the Counsell fower or fife dayes before, neither was it passed that Court wherein it was propounded without mature deliberaçon, and was againe read and approued by the Quarter Court ||for|| Virginia, and after that againe in the last Court w^{ch} had the authority of a Quarter Court ratified and approued Wherevpon m^r Withers said he sawe no reason that a thinge beinge clearely passed in a Court and without any exception confirmed in two other Court~~e~~ should either be disputed or called in question. [107] And it was by another added that no Coñmittees opinion could be deemed of so much force as the opinion of a generall Court if it passe clearely.

ffer the second point of m^r Wrotes former speach vizt vpon the Companies bearinge a Tenth part in the Aduenture, S^r Edwin Sandys said that the Counsell and Comittees had taken that waightie pointe into their serious consideraçon, and they were of opinion that it was most necessary to engage the Companie in this Iointe Stocke for bringinge home the Spanish Tobacco, for that thereby the Aduenturers should haue the Companies assistance and protecçon vpon all occasions (as need should require) And that this condiçon was desired by the Aduenturers themselues, who without it would not haue vnderwritten in the said Roll; As for the matter of Security (w^{ch} was so much stood vpon) he said the Tobacco it selfe, aswell as the Seale of the Companie should lye at Stake for it.

And touchinge the engagement of mens private estate hereby: therein was no danger; it beinge cleare by lawe that onely the good℥ of the Corporation are lyable to the debt℥ thereof, Concerninge w^{ch} he said he had taken aduise of most sufficient Lawyers: And m^r Caswell said, that m^r White the Lawyer (who newly was departed out of the Court) havinge heard this Disputaçon did affirme that priuate mens estate could not be lyable to the Debt℥ by the Seale of the Corporaçon but onely the good℥ of the Corporaçon it selfe.

Notwithstandinge m^r Wrote still persisted in his former opinion, that this buissines was not fairely carried nor a due course taken for preparinge of matters; but were hastily shuffled ouer, and that he could not be pswaded but each Member of the Companie (vpon grant of the Seale for Securytie) was bound to make this good, out of his owne private estate, alledginge that he had likewise asked Counsell of Lawyers whose iudgement was as he had deliuered. ¶ And was the rather confirmed in that opinion because of the late example of the Muscouy Company.¶

Wherevpon m^r Alderman Iohnson desired the Companie to be wary in giuinge their Seale for the Security and therevpon cited a case of late time happned vnto the Muscouia Companie who beinge indebted longe since and hauinge giuen their Seale for Security diuers Brothers of that Companie were troubled and sued for the same:

M^r Mellinge replied it was true that a leviacon for payment of the Muscouia Companies debt℥ was ordered by the Lord℥ of his Ma^{ty} most honorable Privy Counsell to be made out of the gaines made vpon their seuerall Stock℥ in the seuerall yeares when those moneyes were supposed to be borrowed and taken vp at interest and not to be laid vpon the whole body of the Companye or them that were not Traders in those yeares or since. [108]

But m^r Withers made Aunsweare it was true some were troubled but none of them had therefore paid any thinge, but were freed and cleared thereof: And he added further that the newe Iointe Stocke it selfe was exempted from those former debt℥: W^{ch} m^r Alderman Iohnson said was by perticuler agreement before the Stocke was begun: Howsoever m^r Withers said he was suer that the priuate Brothers of the Companie were by order of the Counsell-Bourd acquitted and freed from molestacon.

M^r Deputy said that besid℥ the vnseasonablenes of the Proposition since it could not be revoaked at least till the next Quarter Court the thinge it selfe seemed verie strange to him, for if their were danger to priuate mens estat℥ by reason the Companies beare a Tenth part only; howe much greater danger there was, if the Companie should beare the whole w^{ch} they were bound to doe hauinge taken it vpon them by giuinge of their Seale except priuate Aduenturers as they had begun eased them: Wherevpon he said the Counsell and Co^mmittees conceaued that they had donn a verie espeaciall great Service to the Companie so to continue and order the matter: That hauinge taken so great a burthen vpon them, they should be eased of almost all, and the care of one onely Tenth part left vnto them: And if the feare of this Tenth part did trouble men what should the whole doe, w^{ch} otherwise was like to lye vpon the Companies: ffor whereas m^r Wrote said, that this Clause was the onely cause of the vnwillingnes of diuers to vnderwrite in the said Roll w^{ch} otherwise would haue aduентured largely in the buissines, m^r Deputy said it was a principall clause that invited them that had already vnderwritten and ~~that~~ ||when|| it was replied that if the Companies had not §a part§ there was one would vnderwrite 500^{li} m^r Deputy made aunsweare that if the Companies had not a part the

2500^{li} already vnderwritten would vpon his knowledge be drawne out againe; And diuers of them that had vnwritten, beinge then present did affirme the same, that except the Companies bore a part they would withdrawe what they had already vnderwritten.

Vpon this disputacon the Lord Cauendish tooke occasion to informe the Court howe fairely and orderly the Counsell and Co^mmittee had proceeded in this buissines: The Lorde and the Counsell ||sittinge|| both forenoone and afternoone the day before the Quarter Court beinge attended also by the Co^mmittees the whole day, and that thinge were so seriously and maturely debated as there growinge a difference of opinion in one pointe amongst the Co^mmittee ||Counsell||, the Ea: of Southampton did perticulerly enquire the opinion of euery one and in the end the resolucon was made accordinge to the maior part of voices. [109]

M^r Wrote said that he knewe many eyes were vpon him and desired the speeches he had spoken might be sett downe.

Wherevpon the Argument beinge still maintayned with such violence and vnorderlynes against so many good reasons as had bin alledged, m^r Deputy made this open protestacon that for his part in regard he had knowne m^r Wrotes great zeale and forwardnes in the buissines of Virginia, he did not thinke that these thinge were propounded and vrged by him out of an evill minde, nor that they came from himselfe, but from some others who had by wronge informacons and grounde perswaded him to doe what he did, directly with an intention to cause distraccon and variances and by iealousies and doubt to hinder the vnderwritinge of the Roll and consequently to drawe the Companie into the Penalty of not performinge that condicon, w^{ch} if any such evill happned he protested this dayes worke was the cheife occasion: Wherevnto m^r Wrote made answeare that he would not haue m^r Deputy thinke so: basely of him as to be so lead by any man, for he protested it was his owne what he spake and not out of any suggestion vnto him: And therevpon vrged againe that m^r Deputy would put his former Proposition to the question: w^{ch} if he refused he said the Counsell there ||present|| were to doe it.

Wherevpon m^r Deputy asked him howe he would haue it put to the question, Whither that noe order should be made before it had bin considered of by a Co^mittee (w^{ch} could not but breed a great deale of trouble and vnnecessary delaye to buissinesses) ||or|| whither he would haue matters of importance onely to be so referred w^{ch} already had bin the practise of the Companie in ||all|| their proceedinge: Wherevpon the Court beinge ouerwearied and m^r Wrote ||being|| told by Diuers he did transgresse the lawe by speakinge so often to one buissines, replied that others had so donne likewise, and he would yet speake more, At length to giue an end to these differences, the Court desired m^r Deputy to put it to y^e question whither the openinge of the fower Shares to a lesse number and the Companies bearinge a Tenth part in the Iointe Stocke beinge thinge ordered by the last Quarter Court, should be nowe disputed vpon or noe, w^{ch} beinge accordingly put to the question it was by a generall consent, (only m^r Wrote himselfe and one other dissentinge) ordered, that seinge both those pointe had passed the iudgement of a Quarter Court, they should not nowe be disputed vpon, but if any had any thinge to oppose there against they might doe it in the next: Quarter Court.

This beinge donne the Lord Cauendish acquainted the Companie, y^t according to the request of the former Court he had bin with S^r Henry Martin and Solicited him for a hearinge of the cause in difference between one Wye and the Companie who promised to appoint a daye on purpose between this and Christmas to make an end of that buissines. [110]

M^r Wrote herevpon made request vnto the Companie that seeinge he had a longe time followed this buissines and that the cause at the next hearing after sentence giuen and vpon Appeale made was like to ||be|| transmitted to the Delegat^e whereby it must anewe begin that therefore himselfe might be discharged and some other appointed to sollicite and followe the same before the Deligat^e, for it was nowe no worke of a gentlemans but of a Solicitor.

After this it beinge late a letter was presented in Court to m^r Deputy directed to the Treasurer Counsell and Company for Virginia and Sub-

scribed by Henry Reynolds w^{ch} beinge read it appeared he made request in the behalfe of one m^r Taylor, whome he comended for his honestie and sufficiency that the Companie would please to imploye him for their facto^r in Ireland about the Tobacco buissines with such convenient Salary for his paines as shalbe thought fitt: W^{ch} request beinge taken into consideraçon some of the Court thought fitt to referr it to the Comittees as also what Salary they shall thinke fitt to allowe him for his service. But S^r Edwin Sandys moued, that no Salary might be graunted but by the Court^e approbaçon.

Herevpon m^r Wrote tooke occasion to admonish the Companie to take some tender care in giuinge of Salaries and wished that the Graunt of so great Salaries at the last deriuatiue Court had bin better considered of before they had passed ~~thereon~~ them consideringe the Companie were in debt already, and so litle meanes left whereby to raise so great a Some as 2500^{li} (as was nowe agreed vpon) to be issued out in Salaries and other charges and consideringe also this was a course contrary to the practise of the East Indy Companie who graunted to their Officers no Sallaries at all vntill there was both meanes to do it and service also pformed for it: And said further that whereas vpon the grauntinge of the place of Maister^p of the ordinance in Virginia heretofore vnto Captaine Martin with the like fees and Proffitts as are accustomed to the like place here in England, S^r Edwin Sandys opposed the said Patent for that it would haue brought a greater charge vpon the Companie then would be paide beinge notwithstandinge but 400^{li} p Anũ, Hee therefore could not see (especiallly nowe the Company were in a farr worse case) by what meanes, so great a Some as 2500^{li} a yeare could be paide without the vtter vndoinge of the Companie: ffor he said this great Some must of necessity be raised by ann imposiçon vpon the Tobacco that shalbe brought in, w^{ch} he obserued to be of three sort^e, vizt: the Spanish Tobacco, The Companies Tobacco and the Tobacco of priuate Planters w^{ch} ought to be free by their Charters, So that what with giuinge a Third part to his Ma^{tie} and payinge of other charges for custome, freight and for this newe Imposiçon, the poore Planter should scarce haue the one halfe of his Tobacco free to himselfe to liue vpon And

herevpon m^r Wrote [111] offered to giue the one halfe of all his Tobacco to be quitt of all charges that would come vpon it by this meanes: Wherevpon some made Answere that he went about to call the whole Contract into question, and to laye disgraces vpon it w^{ch} was past and fully agreed on by both the Quarter Court^e; Whereas the bringinge of the Tobacco into one hand was vndoubtedly the waye both to vphold and aduance the price much more ||then|| by beinge brought in, and scattered ||in|| many hundred hande.¹

M^r Wrote replied he ment onely touchinge the Salaries w^{ch} buissines (he said) was not comitted but carried fowly and disorderly and with much arte surreptitiously and to priuate end^e; And that diuers of the Companie did both then and since, as well publicuely, as privately in his hearinge complaine much against it, but durst not speake their mind^e freely because they were ouerawed.

M^r Withers recalled him, sayinge he was much mistaken to saye thing^e were carried fowly: And m^r Treasuror Caswell said, yo^u would not haue said wee were ouerawed if you had bin at Court, yo^u should haue seen what wee durst do: But m^r Alderman Iohnson interrupted him sayinge they had Salaries and ought not to speake.

Wherevpon m^r Iohn ffarrar said that that speach of m^r Wrote was both ||most|| vntrue and scandalous, for men at all times might speake freely their mind^e, and that they did at this verie Court as one example might shewe it, (when after a longe dispute about the Graunt of land^e in the Sum^rer Iland^e) the Court was diuided and Twenty of the Companie went on one side, and one and Twenty on the other, All the Lord^e Knight^e and gentlemen beinge on the one side: And this Act shewed plainely what men durst doe, Neither was the Gouverment Tirannicall nor the Companie so silly and simple men as m^r Wrote would make them: where if he had bin present at that Court (and other meeting^e of the Counsell and Comittees) wherevnto he was warned, he would haue seen and heard thing^e carried and handled in a fairer manner then he nowe deliuers them to be, and much marveyled he would thus censure the proceeding^e of the Quarter Court and other meeting^e whereat he was not but take all vpon hearesay.

¹ A paper touching a similar discussion in the Summer Islands Company is referred to in List of Records, No. 390, Vol. I, page 162, *ante*.

After this m^r Wrote willed S^r Edwin Sandys to keepe his owne lawes ||w^{ch} he had made|| and therevpon cited a lawe, where to avoide the drawinge the Companie into debt it is ordered that no perticuler man make or propound any newe Proiect of charge to the Companie, but he withall offer good meanes howe to defraye that charge and vphold his Proiect the Breakers of w^{ch} order are to be excluded from the generall Court^e xc: The Lord Cauendish told him that he had not onely affronted him in perticuler but the Ea: of Southampton also and the rest of the Counsell and Co^mittee: who after this buissines was propounded vnto both the Companies at their seuerall Court^e on ffriday before the [112] Quarter Courte mett the Tusday after, both fore-noone and afternoone about it, whither himselfe was perticulerly also warned by the Officer and havinge taken consulta^on therein (not with a purpose to conclude vpon any thinge but to prepare that buissines) brought the same to the Court^e held the next daye to be amended and ordered as they should see cause: As for terminge the Lawes to be S^r Edwin Sandys lawes, his lp: told him he had donn the Companie great wronge and that this was the reward that men had for doeinge publique service: And he might aswell haue said, the Instructions giuen to the Gouverno^r of the Sum^r Iland^e were his because he made the first draft of them: And added that he had donn more harme by that dayes worke then Captaine Martin Capt: Baylie or Capt: Argall.

Wherevpon m^r Wrote said my good Lord I protest vpon my salua^on I had no intent directly nor indirectly to perstringe the Ac^ons of the Counsell or of yo^r lp: or of my Lo: of Southampton for I confesse yo^r courses haue bin alwayes like yo^r selues noble direct iust and plaine but I speake of things donn in yo^r lp^s absence when yoⁿ were out of Towne whereof yoⁿ can take no notice.

As for S^r Edwin Sandys lawes he called them noe otherwise then a great Lord did, and said that he had taken paines 40: dayes in examina^on concerninge the Spanish wrecke and that he was a weary of beinge any longer of any Pollitique body: And further said that seeinge his lp: was thus displeased with him, he would not trouble that Court where his lp: was Gouverno^r but would deliuer vp his Share at the next Sum^r Iland^e Court, W^{ch} if he did, the Lord Cauendish said he would not entreat him to keepe it.

Touching the lawe cited by m^r Wrote S^r Edwin Sandys made answeare that that lawe was provided in case any perticuler man should propound any newe Proiect of charge vnto the Companie: whereas this was a buissines incident to the Contract, w^{ch} the whole Companie agreed vnto and had vndertaken, Besid^e he said, it was not intended that this charge shalbe laid vpon the Companie, but onely as they beare a parte beinge to be raised out of a perticuler negotiaçon vpon the Tobacco whose proper burden it was, and that it was not 2500^{li} but only 2000^{li} w^{ch} was proporçoned for the charges of this buissines: ffor the other 500^{li} except it might be much for the improuement of the Comodity should not be expended but returned againe to the owners of the Tobacco, and of the 2000^{li} proporçoned the Kinge bearinge one Third part and the Spanish Tobacco a double charge in proporçon to the Plantaçons Tobacco, there could not be at the most aboue 800^{li} to come out of the Tobacco of the Plantaçons, out of w^{ch} the Companies should be eased of some Salaries that they nowe paye to Officers and should [113] haue a howse of their owne, w^{ch} was a most fittinge and necessarie thinge; and for w^{ch} together with Warehouses they had in their iudgment^e proportioned 160^{li} So that the Summe raised vpon the Aduenturers and Planters Tobacco toward^e the payment of the Salaries was but a smale matter and such as would be questionles manifoldly repaid by the improuinge of the price of Tobacco through their care and iudgement that should manage it: W^{ch} charge of Salaries therefore could neither disharten the Aduenturers nor vndo the Planters (as was alledged:) As for the instance of Captaine Martin, the cases were not alike that beinge to ruⁿ out of the Companies Stocke (w^{ch} was none) and therefore must need^e ouerwhelme the Companie with debt: This beinge to be raised yearly out of the Tobacco that come in and therefore the Companie could not be hereby indebted.

M^r Deputy said that m^r Wrote spake out of his ignorance (ignorance of fact he meant,) because m^r Wrote was not at the Comitte^e, but m^r Wrote replied that m^r Deputy spake out of the abundance of his knowledge, but he out of his conscience.

M^r Deputy went on and said that the matter of Salaries were not surreptitiously carried but most fairely and orderly with those due preparacions that ought, havinge bin first handled and treated of in a Co^mittee before the Quarter Court of Virginia whereat the Lord Cauendish was and amongst diuers others (m^r Wrote) himselfe where after the Offices of Director, Deputy, Treasurer and Co^mittees were approued and liked of: the matter of Salaries was by himselfe propounded, as he said m^r Gibbs could well remember who propoundinge 100^{li} Salary for the Office of Treasurer, m^r Deputy said it was a great deale to litle: Wherevpon m^r Gibbs said it might then be 200^{li} but it was replied that that would likewise be to litle: and this Co^mittee beinge nine dayes before the Quarter Court wherein the Salaries were giuen, it could not be said they were surreptitiously carried, men hauinge so longe time warninge to thinke what was to be don in that point. Beside in the Sum^r Iland^e Præparatine Court, the Ea: of Southampton after the nomina^on of Directo^r and Treasurer, said that for the other Officers and the Salaries they should be referred till the Quarter Court it selfe, w^{ch} was a second warninge to the Company to take their bethinkinge and to consider of the matter of Salaries, yet to the intent that thing^e might be y^e better digested, the Earle of Southampton afterward thought fitt the Tuisday before the Quarter Court to assemble the Counsell and Co^mittees, whereat the Lo: Cauendish the Lo: ~~Cauendish~~ Padgett S^r Edw: Sackuill S^r Iohn Dāuers and a [114] very full Counsell of others beinge present, all thing^e and in perticuler this matter of Salaries was verie seriously debated and considered of, both in the forenoone and the afternoone, and to this Counsell m^r Wrote himselfe was warned: So that (he said) this matter was prepared both by the Counsell and Co^mittees: But m^r Wrote said I must nowe vnwillingly come to an accusa^on against S^r Edwin Sandys and the two Deputies and tooke exception against the first Co^mittee spoken of before the Virginia Quarter Court, sayinge, it was verie dissorderly some men talkinge p^uately by the fireside, w^{ch} he said was m^r Deputies fault who ought to be the Moderato^r of Co^mittees beside the Secretary was not there, To w^{ch} m^r Deputy aunswared ~~that he did not knowe~~ that he did not

knowe that it was any essentiall matter, whither the Secretary were there or no; whose place himselfe had many times supplied when there was need or occasion of writinge, but many and the most sorte of matters resolved on by Committees were vsually reported by some ||one|| of them to the Court. As for the disorderlynes that was spoken of, that was their owne, not his fault who could wish more orderlynes, But that and many other thinge he was glad to passe ouer, because that men would do when they came as themselues pleased, and it was not for him to reprove them.

M^r Wrote further objected that neither the Counsell ~~and~~ ||nor|| Co^mmittees had authority giuen them to treat of that matter of Salaries because it was not perticularly sett downe, But m^r Deputy made Answere, that it was the selfe same great Co^mmittee, to whome by the Quarter Court in So^mer, All thinge belonginge to the Bargaine were co^mmitted to be by them prepared and digested who thereby had authority sufficient, although they had not this later time been desired to consider of and prepare all such thinge as were necessarie to be passed in the Quarter Court when the bargaine should be absolutely concluded and ratified by the Lord Treasurer.

M^r Wrote said further that there were thinge brought into the Court as the iudgement of the Co^mmittees concerninge pointe referred vnto them by the Court w^{ch} were not their doinge w^{ch} m^r Deputy denied and willed him to instance one example: Wherevpon he said the matter of peti^tions, w^{ch} m^r Deputy at the begininge of the Court brought downe vnto him wett and asked him howe he liked it: But m^r Deputy replied, that though m^r Wrote was absent yet the Co^mmittees mett twice thereabout, and that himselfe by their entreaty drewe vp the thinge in their presence and appealed for wittnes vnto them that were present. [115]

M^r Wrote ~~further~~ challenged m^r Deputy for wronge entringe of a Court w^{ch} m^r Deputy denied and willed him to be better aduised.

M^r Deputy made protesta^con of his owne integrity in the buissines of Salaries and that for the two great Salaries whereat onely men might

stumble (for the other they could not be deemed but with the least) he said he knewe those Offices were most vnwillingly accepted of by them, especially by one of them, who but for conscience sake and the seruice of the Companie he knewe would neuer haue taken the place and concluded that for his part if any could shewe a better course then was begun he would ioyne with them, and so he doubted not, but all the Counsell and Companie would doe, but desired that thinge might be propounded in an orderly and due manner.

S^r Edwin Sandys said that m^r Wrote in vndermyninge the seuerall parte of the Contract and matters incident therevnto beinge nowe concluded with the Kinge did wronge the State, m^r Wrote protested he spake nothing against the Contract but onely against the Salaries.

M^r Bromefeild signified much greife for m^r Wrots proceedinge and concluded there was much time spent to no purpose for it could not be that any thinge could be altered till the next Quarter Court if then there were any cause.

S^r Edwin Sandys tooke occasion in defence of this Contract to informe the Court of the manner of the bargaines proceeding from the verie begininge and howe that they were by necessity of continuall preiudices drawne on by their proiecte (who it seemeth more affected their owne priuate Comodity then the prosperinge or subsistinge of the Plantacons to a willingnes yea and desire of makinge some Contract wth his Ma^{tie} hopinge vnder it to enioye, all graceous fauo^r in their buisnesses: ffirst he said there was 6^d p^u laid vpon Tobacco aboue the former Custome, And although the Patent did clearely free them from it, yet they were opposed by so tough an aduersary (who farmed the 6^d) that that it was to their losse at one time to the value of aboue 1000^{li} sterlinge. The next yeare after vpon the Patent for sole Importa^{con} graunted vnto S^r Thomas Roe and his Associat^e they were constrayned from bringinge in any more then 55000 waight from both the Plantations: And the yeare imediately following (it seemeth vpon some newe Project) he heard that they required to bringe in all the Tobacco of both Plantations. [116]

The variety of crosses aduised them to listen to the makinge of some settled Contract with his Ma^{tie} aswell for his Ma^{ty} proffitt as for the benefitt of the Plantacons thereby to exclude newe practises of the same or other newe Proiectors, and yet this verie Contract for sole Importacon had his begininge from an offer made by some principall Members of the Companie, (one whereof was then present) as was openly deliuered at the Counsell Bourd by a verie Hono^{ble} pson in the hearinge of many on both side then attendinge w^{ch} offer of theirs beinge of a large proporcon of money was the occasion of those courses w^{ch} haue bin since pursued w^{ch} in fine are determined in this Contract, w^{ch} as it hath pursued in all the most materiall pointe ~~and~~ ||the|| iudgement of the howse of Coṃons in the late Assembly of Parliament, so he hoped that beinge waighed in the balance of equall iudgement (the present State of all thinge considered) to tend both to the safety and benefitt of the Plantations and noe lesse to the reasonable proffitt of all Aduenturers.

M^r Alderman Iohnson said that it was another bargaine that he offered, but for this bargaine he was sure it was said in the Towne, it was S^r Edwin Sandys contrivinge and for the Salaries his opinion was that if the buissines thriued well they should ||well|| deserue them; and ||m^r Alderman|| protested further that by the oath he had taken, he neuer went about any bargaine but once with S^r Edwin Sandys and S^r Iohn Wolstenholme to the Counsell Table beinge sent by the Companie and for the Companies ||vse||. m^r Caswell said that what S^r Edwin Sandys had reported was true for he heard it.

M^r Wrote said that because he could not haue thinge put to the question, and for diuers other reasons of offence he did appeale to the Quarter Court, ~~And~~ m^r Wrote also ~~demaunded~~ ||desired|| that they would take some course for the poore Planters seinge he could not be possessed of his owne good but must come into the Companies hande whereby they must attend their sale and in the meane time haue not wherewithall to furnish himselfe with necessaries.

S^r Edwin Sandys said that they had had consultacon diuers times about that matter.

To w^{ch} m^r Deputy replied that this pointe had not bin forgotten but seriously taken into considera^on, and that in reguard in the managinge of the Contract there was not onely matter of proffitt to be regarded but there would ~~also~~ ||likewise|| occur many [117] pointe of Iustice and equity; besid^e other matters of very high nature, the Companie had conceaued fitt besid^e the ordinary Co^mittee w^{ch} consisted of men fitt for Tradinge to choose another extraordinary Co^mittee of gentlemen all of them of the Counsell, of w^{ch} number m^r Wrote himsele was one, who were to assist the buissines with their best Counsell espeacially in buissinesses of this nature wherefore he desired him, if he had any thinge in this pointe for the accomodatinge of the Planters, (w^{ch} the Counsell and Comittees were exceedingly solicitous of) that he would at their meetinge deliuer it vnto them.

In the ende the Court beinge much scandalized at the disorderlynes vsed in callinge in question and disputinge of matters ordered in the Quarter Court, vrged that it might be put to the question whither this matter should be at all disputed, but in a Quarter Co^rt w^{ch} beinge accordingly donne it was ordered it should be silenced till the next Quarter Court.

After this it beinge verie late, the Lord Cauendish moued the Co^rt in the behalfe of a worthie gentleman m^r ¹ Zouch that his lp: said had attended longe for answeare who purposinge to transport good store of people to Virginia and to goe ouer himsele in person, there to plant and inhabite, desired a Patent might be graunted him at the next Quarter Court ||w^{ch} the Court agreed vnto|| and gaue order to the Secretary to drawe vp one for him against the time.

His lp: further acquainted the Court that this gentleman beinge desirous to haue had some place of comaund in Virginia and findinge the Companie for the present had no place there for him fittinge his quality was therefore an humble Suito^r to the Kings Ma^{tie}, that Whereas by his Highnes Letters Patent^e vnto the Company there is reserued to his Ma^{ties} vse a fift part of the gold and Siluer Oare that

¹ A blank space in the manuscript.

shalbe found in Virginia his Ma^{tie} would please to appointe him to be the Receauo^r thereof But such was his Ma^{ties} gracious fauo^r vnto the Companie that he would in no wise graunt him his said Suite vntill he brought a Certificate from the Companie of their consent herevnto: W^{ch} Certificate m^r Zouch did nowe sollicite the Companie ||for||: Wherevpon the Court takinge it into their consideraçon after some deliberaçon had thereon ordered a Certificate to be drawne vp to this effect vizt.

Whereas the Companie for Virginia are informed that vpon m^r ¹ Zouch his humble petiçon vnto the Kinge for the office of [118] Receauo^r of his Ma^{ts} Rent℥ in Virginia arisinge by a fift part of the gold and Siluer oare, reserued to his Ma^{ts} vse that shalbe there found from time to time; It pleased his Ma^{tie} out of his accustomed goodnes and fauor vnto the said Companie to suspend the graunt of the said office vntill it might appeare the Companie were made acquainted therewith: Wherefore the said Companie at the instant request of the said m^r Zouch at a generall Court held the 4th of December i622 havinge duely considered thereof, do hereby certifie that they conceaue it is ||not|| in their power by his Ma^{ts} Letters Patent℥ vnto them to constitute any such officer in Virginia for the Kinge, but rather the place is absolutely in his Ma^{ts} free guift and dispose: Notwithstandinge they do humbly acknowledge themselues bound in the highest degree of thankefullnes vnto his Ma^{tie} for his gracious fauo^r and respect toward℥ them in this particuler: As for the pson of m^r ¹ Zouch if it shall please his Ma^{tie} to conferre the place vpon him, they conceaue him to be most fitt for it and shalbe glad thereof.

¹ A blank space in the manuscript.

AT A COURT HELD FOR VIRGINIA
ON WEDNESDAY THE 29TH OF JANUARY
1622

PRESENT

Right Hono^{ble} Ea: of Southampton.
Ea of Dorsett.
Lo Cauendish.
Lo Dāuers.
Lo: Denny.
Lo Maynard.

S ^r Edw: Sackuill.	m ^r Nich: Hide.	m ^r Edw: Iohnson.
S ^r ffran: Leigh.	Do ^r Anthony.	m ^r Io: Wolstenholme.
S ^r Hen: Mildmay.	m ^r Nich ^o ffarrar Dpt̃.	m ^r Mole.
S ^r Tho: ffinch.	m ^r Berblock.	m ^r Copeland.
S ^r Edw: Sandys.	m ^r Herbert.	m ^r Tomlins.
S ^r Phil: Carey.	m ^r Io: Smith.	m ^r Balmeford.
S ^r Io: Brooke.	m ^r Ro: Smith.	m ^r Io: Elkin.
S ^r Ro: Killigrew.	m ^r Binge.	m ^r Paulavicine.
S ^r Io: Dauers.	m ^r Io: ffarrer.	m ^r ffoxten.
S ^r Lawr: Hide.	m ^r Kightley.	Capt: Gifford.
S ^r Tho: Wroth.	m ^r Shipard.	Capt: Martin.
S ^r Hen: Crofte.	m ^r Bulkly.	m ^r Wilmer.
S ^r Io: Wolstenholme.	m ^r Christ: Earle.	m ^r Robert̃.
S ^r Roger Twisden.	m ^r Edw: Palmer.	Capt: Haruy.
S ^r Edw: Lawley.	m ^r Steward.	m ^r Raph ffreake.
m ^r Alderman Iohnson.	m ^r Bromefeild..	Do ^r Meddus.
m ^r Gibbs.	m ^r Risely.	
m ^r Brooke.		
m ^r Scott.	m ^r Rich: Bennett.	m ^r Swaine.
m ^r Cartwright.	m ^r Edw: Bennett.	m ^r Woodall.
m ^r Leat.	m ^r Askough.	m ^r Langley.
m ^r Caninge.	m ^r Swinhowe.	m ^r Browne.

[119]

m ^r Bland.	m ^r Eldred.	m ^r Woodnorth.
m ^r Bull.	m ^r Widdowes.	m ^r Tho: Carter.
m ^r Darnelly.	m ^r Baynham.	m ^r Strange.
m ^r Bowater.	m ^r Maurice.	m ^r Butler.
m ^r Swayne.	m ^r Etheridge.	m ^r Truloue.
m ^r Tucker.	m ^r Stone.	m ^r Kirby.
m ^r Ditchfeild.	m ^r Meuerell.	m ^r Perry.
m ^r Dawes.	m ^r Edward℄.	m ^r Tho: Waterhowse.
m ^r Caswell.	m ^r Io: Porter.	m ^r ffran: Waterhowse.
m ^r Rogers.	m ^r Welle.	m ^r Birkett.
m ^r Nicholl℄.	m ^r Morewood.	m ^r Elkington.
m ^r Barbo ^r .	m ^r Barker.	m ^r Lake.
m ^r Lambe.	m ^r Rook℄.	m ^r Ouer.
m ^r Leuer.	m ^r Percy.	m ^r Shelden.
m ^r Moorer.	m ^r Tomlins.	m ^r Pemble.
~~m^r Caswell~~ m ^r Couell.	m ^r Windham.	m ^r Combs.
m ^r ffelgate.	m ^r Hobbs.	m ^r Sparrowe.
m ^r D' Lawne.	m ^r Viner.	m ^r Groce.
m ^r Withers.	m ^r Iones.	m ^r Cuffe.
m ^r Boothby.	m ^r Wiffin.	m ^r Collett.
m ^r Seaward.	m ^r Mellinge.	m ^r Webbe.
m ^r Bolton.	m ^r Hackett.	m ^r Wheatley.
m ^r Masterson.	m ^r Hart.	m ^r Derge.
m ^r Biddolph.	m ^r Sparrowe.	m ^r Abra: Peirs.
m ^r Clarke.	m ^r Newport.	m ^r Procter.
m ^r Ley.	m ^r Harrison.	m ^r Rider.
m ^r Lawrence.	m ^r Russell.	m ^r Oliuer Morden.
		m ^r W ^m Vesie.
		m ^r Robins with diuers others.

At this Court was read first the Court for Virginia held on the Sum̄er
Hland℄ Quarter Court daye the 27th of Nouember: After w^{ch} a good
pause beinge made, the Ea: of Southamptonn signified that he pro-
ceeded after this manner from the verie begiñinge, whereby if any
would take exception at what was sett downe they might haue liberty

to speake to it: But no exception beinge taken thereat, his lpe caused the next Court to be read beinge that of the 4th of Decemb^r W^{ch} donne Capt: Martin made request that his old Patent might be redeliuered him, beinge but deposited in the Secretaries hande vpon trust and therevpon desired S^r Edward Sackuill (at whose mo^oon he resigned in Court) to speake howe it was, who said that true it was he aduised him to deliuer it vp, because it was exorbitant and vnlawfull, but said confidently that his surrender was absolute and therevpon the Court was pleased to promise him a newe Patent as large as had bin graunted to any other, and touchinge the insufficiency of his old Patent he was told the M^r of the Rolls had receaued good satisfac^on, Capt: Martin herevpon desired he might haue a Patent accordinge to the Kings Letters Patents and the Articles; But he was answered the Companie would [120] not make newe formes of Patent^e for him, but was offered as large a Patent as that graunted to my Lo: of Southampton himselve or any other auncient Aduenturer whatsoeuer, But Capt: Martin presented in Court a Booke entituled Noua Britannia with a Publication thervnto affixed, signed by the Ea: of Southampton and Some others: In w^{ch} booke he said there was promised 500 acres for a single share: W^{ch} beinge perused, and the word^e were found to be not of promise but of hope that vpon diuision there might be allotted so much hereafter vpon a share, but the Booke was noe Act of the Court but a private mans worke.

After this the Ea: of Southampton addressed himselve to m^r Wrote admonishinge him that nowe he had heard the last Court read and the seuerall passages therein, he would applie himselve and direct his speach wholly vnto the parte thereof, and declare freely, whither matters were truely sett downe or noe, Wherevpon m^r Wrote humbly praid his lpe and the rest of the Lord^e and others of the Counsell, that they would please to giue him a full hearinge and that such exceptions as he should nowe make to the settinge downe of that Court might be admitted and entred w^{ch} he said were of three sort^e, first of Omissions, Secondly for insertinge the order of his speach and not settinge downe thing^e in their due place, Thirdly for that it was not donn with that candor and fairenes toward^e him as ought.

And beinge required to goe on accordinge to that order, he said first there was an omission of a speach of his in answeare of the Lo: Cauendishes to this effect followinge: That he did not pstring the Acçons of the Counsell, for he acknowledged the Ea: of Southton^e proceedinge to be alwayes like himselfe, most noble, direct, iust, and plaine, but he said he spake onely of some thinge donn in his lp^s absence when he was out of Towne whereof his lp: could take noe notice, And desired the Court to consider that he did not then beate the Aire or fought for nothinge, for he said he was at that time much prouoked first by m^r Deputy who charged him of ignorance, Secondly by S^r Edwin Sandys who said he had donn wronge to the State Thirdly by the Lord Cauendish who was heauy and personall.

To the first m^r Deputy made Answeare that in then speakinge that word he did with the same breath explaine himselfe, sayinge I meane ignorance of fact because you were not present.

To the second S^r Edwin Sandys said that if m^r Wrote was prouoked by his speach it was against his will he beinge a gentleman that he had [121] much respected, and that for the worde^e w^{ch} m^r Wrote nowe challenged him of they were spoken after ||that|| m^r Wrote had ~~spoke~~ so violently ||spoken|| against the carriage of those buissinesses in the Quarter Court so that it was Prouocatio post factum.

And the Lo: Cauendish told him that the worde^e he then spake could not be otherwise interpreted but spake against the Contract.

M^r Wrote herevpon made a request vnto the Court that Wittnesses on either side might be examined, and that he might not be proceeded against vpon mens memories, and that he might haue liberty to except against some of them, and desired (because his Cause might be a leadinge example) that his Tryall might be legall and by the Quarter Court vnto w^{ch} he appealed.

His lp: answeared that he could not haue a better tryall of the trueth of thinge sett downe in the Court then by such as were present at that Court that both heard and sawe what passed on either side.

But m^r Wrote desired his request might be put to the iudgement of the Court ~~the 7th of October last~~ whither it were not equall that he required.

M^r Wrote also charged m^r Deputy for the false entringe of a Court the 7th of October last, whereby the Company was brought into debt 3000^{li}. To w^{ch} m^r Deputy answered that for the entringe of that Court it was truly and faithfully sett downe by the Secretary and himselfe accordinge to the passages and meaninge of the Court as they conceaued, and was as the order is read on the next Court day followinge, at the readinge whereof m^r Wrote himselfe was, and tooke no exceptions, w^{ch} if he had knowne there had bin any falsity he ought to haue donne, and otherwise was guiltie of that falsificaçon w^{ch} he nowe challenged him of, But m^r Deputy said he would by them that were present sufficiently proue the Court to be true entred: And as for settinge of the Companie 3000^{li} in debt there was no such manner of thinge.

But the Ea: of Southampton said they were gonne quite from the buissines they had in hand and asked m^r Wrote why he refused to be tryed by this Court who answered, he had iust cause to decline the testimoneyes of such as were partiall but desired he might haue liberty to take a full informaçon from those that were then present the Court consistinge of Threescore psons: and complained of the longe intermission of the Co^r^{ts} as if they had bin put of purposely to his preiudice. [122]

Wherevpon the Lo: Cauendish declared vpon what occasion the Court^e were put of namely S^r Iohn Brooke accompanied with m^r Iohn ffarrar cominge vnto him, S^r Iohn Brooke told him that he founde m^r Wrote sorrie for what he had donn and that if my Lo: of Southampton had not bin gonn out of Towne he would haue gonn to him to haue giuen his lp: satisfacçon: Wherevpon he willed that m^r Wrote would sett downe his submission vnder his hand: w^{ch} he would send vnto my Lo: of Southampton, and therevpon S^r Iohn Brooke in m^r Wrotes behalfe desired his lp: that the Virginia Court w^{ch} was the next daye to be kept might be put of; for if y^e proceedinge of the

former Court should be openly read he was then bound to stand vpon his iustificacon and for these reasons, at S^r Iohn Brooks earnest request in m^r Wrotes behalfe, his lp: caused that Court to be put of and for no other reason.

Wherevpon S^r Iohn Brooke acknowledged the trueth of what the Lord Cauendish had deliuered and for that reason the Court was put of: But m^r Wrote said he offered not any Submission, but desired peace vpon certaine free condiçons vizt, That his suspencon from the Counsell should be revoaked, that he should be restored to my Lord of Southamptons fauo^r and that nothing should be entred in the Court to his disparagement: Wherevnto S^r Iohn Brooke replied that he did not well remember what was then in perticular spoken for he did not thinke he should be called to an Account for it, but said his principall end and ayme in this was to haue made a peace if it had bin possible.

M^r Brooke said that somethinge of necessity must be donn for the hono^r of this Court w^{ch} had bin much scandalized by m^r Wrote as for m^r Wrots appeale to a Quarter Court he said, it was rather an Appeale from the Quarter Court by Spinninge out the time: And whereas m^r Wrote moued for liberty to appointe some to take deposiçons of Wittnesses on his behalfe he held his mocon to be verie inconvenient and vnfitt, for neither could any but the Deputy and Secretary take the deposiçons, and besid^e such manner of proceeding^e would cause a number of great inconveniences that would neuer haue an end, and wished m^r Wrote to be better aduised in his speeches, and not seeke thereby to abuse mens iudgements for whereas he said the proceeding^e of the Parliamt vpon an offender was no president for an Inferio^r Court, he said, the greater Court is, the better president; and that an affront euen to the Court of Pipowder is lyable to censure and punishment, and therefore much more to so Hono^{ble} a Court as this was.

The Ea: of Southampton said that m^r Wrote ought not to teach them howe to iudge, but willed him to hold to the buissines in hand and to declare whither his word^e were truely sett downe in that Co^r [123] or no sayinge he had begun well and should proceed on still in the same manner to declare the rest of the omissions and his other excep-

tions, m^r Wrote excepted against the whole Court, sayinge he spake not those wordē neither in manner nor forme as they were sett downe, and therefore moued that seinge the Court was eight weekē in settinge downe he might haue leaue sometimes to ouersee and peruse the same: And moued further that seeinge they were newe falne vpon matter of Sallaries in this great heate of dispute beinge the stringe whereat he chiefly strooke, that therefore the Salary men might not be present when that buissines was put to the question: And as for m^r Deputy he excepted against him as his Accuser.

M^r Deputy said he was no Accuser of m^r Wrote as was well knowne, for the true recordinge of the Court it was the duty of his place and protestinge that he did not knowe of any thinge sett downe amisse nor willingly omitted any thinge to m^r Wrote's preiudice, and besought the Ea: of Southampton that the Court might be examined by partē.

M^r Herbert said that it was to be considered whither they will by Wittnesses or by the whole Court then present examine whither the said Courts be truely or falsely sett downe w^{ch} he conceaued was most fittly to be donn by those that were then present

M^r Lawrence Hide said that the Custome of the Court is the lawe of the Court and findē m^r Wrote haue erred exceedingly against it, and cannot excuse him of folly that he moues ~~from~~ §for§ flyinge from the Court, and therefore admonished him to confesse his erro^r and if he refuse, he feares he hath some worse endē in this course he holdē.

The Ea: of Southampton after many digressions made by m^r Wrote recalled him to the present buissines of the Court in question demaunding of him what exceptions he could take against it, : m^r Wrote replied he excepted in euery perticuler matter in that Court that concerned him.

At length for rectifyinge the Court and for makinge this a leadinge President, it was proposed whither the ~~Company~~ Court would admit of any examinacon of Wittnesses vpon oath and such other courses as m^r Wrote desired for Tryall of this buissines or noe, or whither they would trye it by the testimony of them that were present w^{ch} beinge

put to the question it was by a generall ereccon of hande agreed and ordered that it shalbe only tryed by those that were then present and eare Wittnesses and not by any such newe and vnusuall courses [124] as were desired: And because it might be the more exactly & certainly donn, it was proposed by some that a large Comittee might be chosen out of them that were present at that Court to examine the true entry and thereof to make report.

But S^r Iohn Dāuers said that a great inconvenience will befall the Companie to recomitt that w^{ch} is sett downe by sworne Officers, for that any man out of this example may thereby question and trouble the Court infinitely.

M^r Withers said he had seen and bin conversant in many Courtē but neuer sawe matters Recorded by a sworne Officer to be questioned.

At length much time beinge spent in this pointe, it was agreed and ordered by a generall ereccon of hande that for examininge and rectifyinge the aforesaid Court of the 4th of December, those onely who were then present (as the most competent wittnesses in this case) shalbe againe warned by the Officer to meet on ffriday next to examine duely the perticular passages of the said Court whither it be rightly sett downe by the Secretary or no: And hauinge so rectified the same to the best of their knowledge and memory are to make their report vnto the next Court of their proceedingē therein.

The Ea: of Southampton also desired so many of the said Court as were nowe present would take notice of the meetinge on ffriday in case the Officer should not warne them all, in respect the Secrē had not taken the names of all that were present at that Co^rt.

This beinge ~~donn~~ ||passed|| m^r Wrote moued for a Coppie of the said Co^rt whereby he might the better informe himselfe of what had passed and make his exceptions vnto each pticuler the more full, but this was by diuers thought verie inconvenient for many waightie reasons and an ill President and that phaps vse might be made thereof, much to the Companies preiudice, And m^r Io: Smith said that since the trueth of the Court was denied by m^r Wrote, and not as yet confirmed by the Court it was not a Record, so as it was but onely to be accounted as a

seroll or priuate writinge and therefore it was not fitt to deliuer ~~him~~ any Coppie of it, till beinge fully confirmed and approued it might haue the authority of a Record: Wherevpon it beinge put to the question, whither m^r Wrote should haue a Coppie ~~of it~~ ||It|| was by ereccon of hande denied him.

But it was ordered that he might haue if he would pyse it as long as he pleased. [125]

After this m^r Wrote moued that he might take notē, wherevnto Answere was made, that if he might haue leaue to take what notē he would it were all one to let him haue a Coppie:

Lastly the Act of Counsell touchinge m^r Wrote was read.

AT A MEETINGE OF HIS MA^{ty}
COUNSELL FOR VIRGINIA AT M^r DEPUTY
ffARRARS HOWSE IN S^r SITHS LANE
ON WEDENSDAY THE 11th OF DECEMB^r 1622

PRESENT

Right Hono^{ble} Ea: of Southampton.

Lo: Cauendish.

Lo: Padgett.

S^r Io: Brooke ||a^{ts} Cobham||.

S^r Edwin Sandys.

S^r Io: Dāuers.

S^r Io: Wolstēholme.

m^r Brooke.

m^r Gibbs.

m^r Do^r Gulstone.

m^r Io: Wroth.

m^r Herbert.

m^r Io: Smith.

m^r Io: ffarrar.

m^r Ro: Smith.

m^r Kightley.

m^r Nich^o ffarrar.

m^r Binge.

m^r Wrote.

The Ea: of Southampton signified that the occasion of callinge this Counsell together was to acquainte them with a late informaçon he had receaued since his beinge in the Countrie touchinge m^r Wrote who as he had heard had coñmitted a great indiscreçon at the last Court held this day sennight by speakinge after violent and turbulent manner aswell against some pointe incident to the Contract, as also against the proceedinge of the Counsell and Coñmittee together with the Acte of the Quarter Courte w^{ch} had confirmed the same, bendinge his speach also to the wronge and disgrace of some principall Members of the Companie who had bin employed in that buissines, whereof he said the Lord Cauendish had in generall aduertized him by his letter without naminge the man that had so donn as might appeare by the Letter it selfe w^{ch} his lp: offered to shewe him, w^{ch} disorder his lp: said was the occasion of his cominge vp to Towne and of his beinge here at this present and therevpon charged m^r Wrote ||to|| declare whither this informaçon were true or noe, who therevpon said that at his first settinge downe in this Assembly he conceaued himselfe to be free but being [126] nowe charged as a Delinquent he was to answeare in his owne defence: And therevpon touchinge the matters laid to his charge he freely protested against any power or iurisdicçon the Counsell §could§ haue to question him for that he then spake, consideringe he had (as he said) appealed vnto a Quarter Court, wherevnto he would only submitt himselfe: But he would conferr with them if they would, And withall he accused m^r Deputy of havinge falsely entred the Court of the 7^o of Octob^r last either by his or the Secretaries fault and contrarie to the true meaninge of the Court then held whereby he said the Company were brought into 3000^{li} Debt: W^{ch} speach beinge deliuered by m^r Wrote in a verie violent and contemptuous manner; in w^{ch} selfe same manner also m^r Wrote had carried himselfe toward the Ea: of Southampton at his first cominge into the Roome before the settinge downe of the Counsell ||his lp. repeating the same briefly to the Counsell|| proceeded to aske m^r Wrote what he meant thereby and whither he tooke himselfe to be so great a man that they were all as Pigmies in his sight, and added that he did not knowe him to be any Prince of the Bloude, and therefore if it pleased him he might carrie himselfe with more calmenes and respect.

Wherevnto m^r Deputy replied to the perticuler Accusaçon made against himselfe that it was of a verie high nature and deeply concerned the Companie, for the Court℄ beinge the Companies Record℄, the charginge of them with falshood was to call all the proceeding℄ of the Companies into question: And that for himselfe if it should be found that he had donn any such thinge, he deserved punishment, and therevpon briefly declared the manner of the entringe of Court℄, howe that the Secretary hauinge drawne them vp brought them to him and he accordinge to the Companies order perused them, and so they were read in the next Court: And accordingly he said was that Court nowe spoken of by m^r Wrote, and no exeptions taken against it. In the end he humbly desired that this matter might be strictly examined.

But the Ea: of Southampton said that this was not the buissines they had nowe in hand nor pertinent therevnto, but should be taken into consideraçon in due time and place and therefore required m^r Deputy to declare in ~~the~~ breife the matters that m^r Wrote did so much inveigh against at the last Court: Wherevpon m^r Deputy said that m^r Wrote did then insist vpon these three point℄ vizt.

1. The lesseninge of the fower Shares.
2. The Comp^y: bearinge the 10th pt: in y^e Ioint Stocke for bringinge home the Spanish Tobacco.
3. The Salaries.

But his lp: said that because not onely the matter it selfe he spake of, but his manner of speakinge might much augment his offence he therefore required m^r Deputy to deliuer what his word℄ were [127] concerninge these ptiçulers: Wherevpon m^r Deputy beinge much pressed herevnto said that m^r Wrote declared himselfe herein with a great deale of passion w^{ch} he conceaued did much mislead and distemp him.

But the Ea: of Southampton said he had heard m^r Wrote should saye the buissines was not fairely carried; but matters were hudled vp, ~~that~~ ~~that~~ and some thing℄ were fowly and surreptitiously carried, with much art and to prinate end℄ and that the Companies durst not speake because they were ouerawed.

M^r Wrote protested he spake not against the Contract but against the proceedinge of the Comitte and against S^r Edwin Sandys and the two Deputies acknowledginge that he then said (and was of the same minde still) that they had vsed much art in the carriage of this buissines.

Wherevpon m^r Brooke the Lawyer said that in all Court^e of iustice it was a thinge certaine that if a man speake to the disgrace of the Iudge or his iudgement ||or the Court|| he was subiect to fine and comittment at the pleasure of the Iudge, and so in priuate Corpora^ons where any shall speake to the disgrace of the pson of the Gouverno^r or Act^e of the Court or gouernment thereof, he conceaued the like censure and punishment might passe vpon him.

But m^r Wrote replied he was not nowe Coram Iudice and therefore they could not censure him of w^{ch} opinion m^r Binge was also speakinge (as he said) out of his experience and knowledge in the Ciuill Lawe

M^r Deputy beinge againe much pressed by the Lord^e to deliuer clearely and fully what m^r Wrote had spoken in open Court as being bound so to doe by the duety of his place (especially when he was therevnto required by the Counsell) said that he well remembred that m^r Wrote said then the buissines was not carried fairely and did also well remember that himselfe did saye the buissines was not surreptitiously carried, but whither m^r Wrote said ~~the buissines~~ ||It|| was surreptitiously carried or no, he remembred not, but he conceaued he spake not onely of the proceedinge of the Comitte but generally of the whole buissines.

M^r Deputy was generally blamed of the Counsell as seeminge out of his private respect to m^r Wrote to remisse in his duety to the publique: The Ea: of Southampton protested that if himselfe had [128] bin in Court, he would not haue required another to ~~haue~~ declared m^r Wrots proceedings, and so his lp: and the rest of the Counsell (seeminge to require of some other the pformance of that duety wherein m^r Deputy was so backward) the Lo: Cauendish said that if m^r Dep-

uty would not pforme his Duty beinge required by the Counsell they must fall vpon him, and m^r Brooke was of the same opinion.

Wherevpon m^r Wrote replied to the Lord Cauendish, then you had best be my Accuser, w^{ch} vnreverend speach was much distasted by the Counsell and the Ea: of Southampton told him, that although they were all Counsellors, yet there was verie great difference between the psons of diuers of them and in ptiuler between m^r Wrotes and the Lord Cauendishes to whome he ought more respectfull behauior and language.

But m^r Io: ffarrar said that m^r Wrote questioned the Gouvern^t, and the Acte and power of the Quarter Court ||in open termes|| sayinge he would do it againe and againe, though he was told often that he ought not to doe it, and the Court by hande had ordered accordingly as beinge contrary to all lawe and custome and to noe purpose but to disturbe the proceedinge of the Company yet could not pswade m^r Wrote to be quiet m^r Wrote replied that he said the Quarter Court had no power by the lawes of the Companie to deriue that authority they did to an inferio^r Court except in cases, either of inevitable necessity or evident vtility but in this case there was no such thinge to enforce the same: Wherevnto S^r Edwin Sandys made Answere that by his owne wordes it was apparant he questioned the power of the Quarter Court and therefore his speach concerned the maine body of the Contract, but he said he would nowe goe vpon his owne graunt and that forsomuch as the maine bodie of the Contract was so solemnly ratified in a Quarter Court and that there fell out some smale difference between the Lord Treasuror and the Companie w^{ch} could not be at that time accorded without further conference, there was herevpon an inevitable necessity of transmittinge the authority of the said Quarter Court vnto another Court to ioyne with the said Sum^r Handed Companie in their ||Quarter|| Court to debate further of the said differences, and to ioyne in a finall conclusion of the said Bargaine and other thinge thereto incident.

Hee said further touchinge his eleccon to be the Directo^r that although he was ||most|| vnwillinge as diuers then present could wittnesse to

take the place w^{ch} was so earnestly pressed vpon him by the [129] Court, yet beinge chosen therevnto, and the Lord Treasurors eye beinge nowe fixed vpon him he could do no lesse then labo^r a finall conclusion of all matters incident to the said Contract together with the Contract it selfe.

But touchinge m^r Wrots carriage of himselfe in this buissines he said he had obserued two mayne materiall exceptions w^{ch} in his opinion were iustly to be taken against him, first for that he inueighed against that w^{ch} beinge ordered by the Quarter Court could not be reformed for the present, Secondly in that he sought to mainetaine his opinion by misallegacons aswell of the lawes of the Realme, as also of the lawes of this Companie by the one dishartninge and deterringe of the Companie from proceedinge in the Contract as it was nowe concluded and ordered, by the other insinuatinge into the mind^e of his Hearers a conceit of ill carriage by the Counsell and Comittees contrary to the established lawes and orders of the Companie.

Touchinge the lawes of the Realme he said that m^r Wrote then deliuered that by drawinge the generall body of the Companie into bearinge a part of this Contract and by giuinge the Seale for the pformance thereof they engaged the priuate estate of euery pticuler Member to be aunswearable to the Kinge what dammage soeuer should befall in w^{ch} Allegaçon as he clearely failed in his iudgement in pointe of lawe so he vsed this ill meanes to ||a|| worse end, and conclusion namly the disturbance of the Contract so solemnly concluded with the Kinge and nowe not to be revoaked.

And touchinge the lawes of the Companie he manifestly misalleged them to the great wronge aswell of the Counsell as of the Comittees who to his vnderstandinge had punctually obserued them in all thing^e as namely in makinge Shewe that they were to loose their voices for a yeare who had moued to drawe the Companie into matter of charge without shewinge meanes howe to defray the same and applyinge this lawe to the Propositions for Salaries whereas first it was no matter of charge to the Companie, beinge not to be raised out of their Stock^e but out of the Tobacco to be brought in, and secondly it was not the

mo^oon of any p^ticuler p^{er}son w^{ch} is onely forbidden in that lawe, but proceeded from an Act of the Counsell and Co^mittees, where by the waye he praid m^r Wrote not to be troubled with the office and Salary granted vnto him, for as he accepted of both most vnwillingly and in sole obedience to the Court, So at the next Quarter Court he would resigne both the one and the other.

In reply herevnto m^r Wrote bid S^r Edwin Sandys put his speach into a Sillogisme, and then he would answeare it for it was Argumentum a Desperatis. [130]

Touchinge the matter of the lawe of the Realme m^r Herbert beinge nowe present was desired to deliuer his opinion who said that without all question the priuate estate of men could not by lawe be made lyable to paye that for w^{ch} the whole Companie stood engaged, vnles there did appeare a practise in some of the Companie to decline the debt by indirect meanes of w^{ch} opinion m^r Brooke was also and cited a case longe since tryed in Westminster Hall vpon occasion of one that beinge a member of the Corporation of Norwitch that stood engaged at that time for debt was arrested in Westminster Hall for the Debt of the said Corporation, w^{ch} matter being forthwth brought to tryall he was acquitted by the iudgment of the Court for that the lawe in that case look^d not vpon any p^ticuler mans person or estate but vpon the whole body of the Corporation as it is vnited and not in his part^e.

As for the lawe w^{ch} m^r Wrote had cited with a kinde of skorne and contempt by terminge it to be one of S^r Edwin Sandys lawes w^{ch} saith that if any p^ticuler man proposed any matter of charg vnto the Companie and could not finde meanes to defraye the charge and vphold his Proiect, he was to be excluded from cominge to Court^e: It plainly appeared by the word^e of the Lawe it selfe to haue bin both misalledged and misapplied.

My Lo: of Southampton demaunded of m^r Wrote, why he did raise and mainetaine so strangely that dangerous Proposi^on of the Seale, it beinge a pointe of lawe and he no lawyer.

But m^r Wrote said that since the last Court he had taken the opinion of some learned Lawyeares by whome he was informed that mens priuate estat^e were also subiect vnto the Companies engagemen^t by their Seale.

Herevpon the Ea: of Southampton told him that he nowe sawe his indiscre^çon to be as great as he tooke it to be, that beinge of the Counsell he would not impart his minde concerninge that pointe first vnto them, but rather diuulge his opinion in open Court to the preiudice of so mayne a buissines as the Contract was and that before he was sufficiently grounded in that w^{ch} he spake as appeared by his owne report in askinge Counsell after he §had§ so confidently published his opinion.

With this m^r Wrote Departed sayinge that he came not thither to heare ill word^e. [131]

Wherevpon the Ea: of Southampton appealed vnto the iudgement of the Counsell then present what iust occasion of offence hath bin giuen m^r Wrote that he should goe awaye in that vnrespectiue manner: And therevpon his lp: protested that seeinge he had so much wronged him and the rest of the Counsell and Co^mittee in their proceeding^e and spoken also against the Companie and Court^e and most scornefully against the lawes in terminge them S^r Edwin Sandys lawes and in conclusion went away in that ill and most vneiull fashion he expected to be righted against him for so many wrong^e and affront^e.

Wherevpon m^r Gibbs said that m^r Wrote was one, whose heart he knewe as well as another and he protested he had alwayes heard him speake with as much loue and respect to his hono^r as any man lyvinge, so as he was pswaded in his soule and conscience he had not so much as an ill thought against his lp: in all that he had said but regarded and honoured him as much as any man whatsoever.

Wherevnto the Ea: of Southampton replied that he should be sorry to haue liued soe that it should be in the power of m^r Wrote to wronge him in his Hono^r or reputa^çon, but his lp: said that m^r Wrote hauinge complained that the Counsell and Co^mittee carried this buissines

fowly and disorderly and against the lawes of the Company and to priuate ende howe that could be and himselfe cleare he could not vnderstand: for he said that from the begininge to the end of this buissines, he had ~~not~~ bin ||not|| only priuy and consentinge to the proceedinge but the principall Acto^r also in them all.

As for the word ffowly (said by some of the Counsell to haue bin vsed by m^r Wrote) m^r Withers beinge called in by the Counsell testified it likewise to haue bin so spoken by m^r Wrote and that therevpon out of his loue toward^e him and to prevent his goeing forward in such ill termes, he replied againe sayinge that the buissines had bin fairely carried and wished that if his Comittiship did trouble him, it were the price of his reconciliaçon.

After this the Counsell entringe into consultaçon what was fitt to be donn herein for their reputaçon.

First m^r Brooke deliuered his opinion that he conceaued it fitt that a collecçon be made of those matters that are to be obiected against m^r Wrote to be ripened against the next Quarter Court vnto w^{ch} he hath appealed for that (as he pretended and alledged) he was Coram non Iudice. [132]

It was also thought fitt generally by all the Counsell then present in regard he had comitted so great a contempt against the Counsell there, that he be suspended from cominge any more to Counsell vntill he cleare himselfe of those matters obiected against him and therevpon caused the Secretary to sett downe his suspensçon in manner followinge

At a meetinge of his Ma^{ty} Counsell
for Virginia the 11th of December
1622

The said Counsell haue ordered that notice shalbe giuen to m^r Wrote by the Officer that in regard he hath carried himselfe this daye before them with verie vnfit and vnrespectiue behauior they thinke fitt he forbear from cominge to Counsell vntill those things he stande charged with all be cleared.

AT A COURT HELD FOR VIRGINIA
ON FRIDAY THE LAST OF JANUARY
1622 BY ORDER OF A FORMER COURT HELD
THE ~~BEFORE~~ WEDNESDAY BEFORE

Ea: of Southampton.

Lo: Cauendish.

S^r Edwin Sandys.

S^r Iohn Dāuers.

m ^r Alderm: Iohnson.	m ^r Caswell.	m ^r Wheatly.
m ^r Tomlins.	m ^r Bland.	m ^r Woodall.
m ^r Deputy.	m ^r Woodall.	m ^r Baynham.
m ^r Io ffarrar.	Captain Rossingham.	m ^r Bradwell.
m ^r Gibbs.	Capt: Gifford.	m ^r Ley.
m ^r Wrote.	m ^r Iadwin.	m ^r Robert ~~e~~ .
m ^r Tho: Sheppard.	m ^r Barbo ^r .	m ^r Paulavicine.
m ^r Bromefeild.	m ^r Mole.	m ^r Bennett.
m ^r Wilmott.	m ^r Copeland.	m ^r Taylor.
m ^r Barbo ^r .	m ^r Bennett.	m ^r Zouch.
m ^r Withers.	m ^r Woodall.	m ^r Harrison.
m ^r Bull.	m ^r Widdowes.	m ^r Leuer.
m ^r Mellinge.	m ^r Herbert.	~~m^r Woode.~~
m ^r White.	m ^r Sparrowe.	~~m^r Geo: Noble.~~
m ^r Cuffe.	m ^r Webbe.	with diuers others.
m ^r Edw: Iohnson.	m ^r Wiseman.	
m ^r Io Wolstenholme.	m ^r Waterhowse.	
m ^r Boothby.	m ^r Seaward.	

[133]

The Ea: of Southampton signified that this Court was extraordinary and onely for one end, namely to veiue a former Court of the 4th of December last and that as the buissines was fixed so the Companie was also, for that they and onely they that were then present were to

be warned to be at this Court: Wherevpon S^r Phillip Carey departed sayinge, he was not then present: But m^r Binge said that he conceaued that notwithstandinge the order of the last Court, it was meant it should be free for any to come and heare though not to giue their vote: Wherevpon m^r Binge was desired to withdrawe himselfe till it were put to the question whither those onely and noe other that were at the former Court℄ should be nowe present; It was by erecōn of hand℄ ordered that noe other should be ~~sent~~ here, and therevpon m^r Binge departed.

My lo: of Southampton propounded that for the better proceedinge in this buissines the Court might be first read wholly ouer and afterward examined by part℄ w^{ch} was agreed vnto.

M^r Wrote demaunded whither this meetinge were a Court or a Co^mittee and beinge resolued it was a Co^r, though onely for one purpose, he began after co^menda^on of his lp^s noble gouerment, to speake somewhat of the office of a Gouerno^r but his lp: recalled him to the buissines of the daye, tellinge, it was not nowe time to make harangues touching the Duty of a Gouerno^r.

M^r Edw: Johnson the Lawyer declared his opinion that the Deputy and Secretary were not by their duety bound to enter but onely the maine passages of buissines concluded and the materiall point℄ handled in the Court℄ and not matter of word℄: Wherevpon it was no prejudice to their reputa^on, that matter of word℄ should be reexamined or reformed.

M^r Wrote said that he suffered for the seruice of his Ma^{ty} and for pforming his Duty.

Hee also moued that all such as are salaried men might be excepted from giuinge their votes when the matter comes to the Proposition of Salaries, because they were ~~not~~ interested therein and might be partiall.

The Ea: of Southampton aunswared that his exception was vniust to debarr them from bearinge of wittnesse of the truth of matters

passed, beinge chosen and approued by the Court as men of honestie and integrity and it was not the case nowe, whither they should haue Salaries or no, but whither the Co^rt were right entred or noe and accordinge as it passed. [134]

M^r Wrote complayned that diuers psons were scattered in sundrie places of the last ||Court|| who dissuaded them that satt about them from passing of ~~any~~ thinges in his fauo^r and therefore desired they might be silenced, and he did not doubt but he should haue a noble Tryall.

M^r Deputy answered he knewe nothinge of that ~~w^{ch}~~ m^r Wrote spake but he was credibly informed that diuers strangers not free of the Companie were there in fauo^r of m^r Wrote and in pticuler two Tobacconist^e whose greatest desire is to ouerthrowe the bargaine, one of them he knewe beinge his next neighbo^r who did most violently vrge, that m^r Wrote might haue a Coppie.

To this m^r Wrote replied that diuers lackies and Servingmen at the Lower end of the Hall held vp their hand^e against him and complained of m^r Carter for it.

But m^r Deputy answered that the matter of Coppie was carried by a very great deale of Odd^e in the number of hand^e and that of those that satt in the body of the Hall.

M^r Wrote said that m^r Brooke, m^r Smith and S^r Edwin Sandys onely had spoken against the grauntinge him of a Coppie and thereby hindred him, and seemed to complaine, that it was against the course of all Court^e of Iustice and praide God the same course might be held when the like cause should befall him: To w^{ch} S^r Edwin Sandys said Amen, wishinge he might neuer haue a fairer Tryall nor better Iustice: And withall added that he did not conceaue m^r Wrote to be accused but was the Accuser both of the Counsell and Companie.

M^r Wrote complained of the Secretary that would not suffer him to take not^e of the Co^rt because as he said he had no order for it.

M^r Wilmot said that his opinion was, it was the generall conceit of the Court that he might take note before the Coppie was put to the question, but it was replied by diuers others, that it was not the meaninge of the Court y^t he should take note; it beinge said that if he might take what Note he would, it were all one as to let him take a Coppie but that it was the Court^e Order that he should haue a free and large pvsall as himselfe would w^{ch} the Secretary affirmed he had at his howse accordingly. [135]

But m^r Wrote still complayninge for want of note, offered to depart the Court, w^{ch} if he did, the Ea: of Southampton said the Court would notwithstandinge proceed as beinge sufficient Iudges of the true entringe of the Court and wherein they might proceed although he were at Yorke.

Wherevpon m^r Wrote stayd, complayninge againe for want of Note, and that the Court^e beinge sett downe much to his preiudice he could not make his full defence: And therefore said he would make his defence legally and by some other course And that if the Quarter Court righted him not, he would appeale to the Kinge the fountaine of iustice and mercy.

But m^r Deputy said, that the Secretary told him, that m^r Wrote had taken large notes wherevpon the Secretary said m^r Wrote had written out halfe a sheit of pap, But m^r Wrote said it was only in what Pages thing^e were.

S^r Iohn Dāuers said, he held it impossible for the Secretary to sett downe each mans pticuler speach at large And therefore conceaued that if the materiall point^e and substance thereof were rightly taken, it might satisfie the Court.

M^r Wrote replied that this opinion would mislead the Court and therefore desired that they would take it into their serious consideraçon howe much that course might tend to his preiudice and disadvantage.

M^r Wither moued that seeinge m^r Wrote talked of appealinge to the Kinge, it might be remembred that when the pointe of Note was in

Proposition and disputed vpon, Notwithstandinge it was much contradicted, yet it was not desired by m^r Wrote to put it to the question whither he should take not^e or noe.

M^r Wrote againe protested he would appeale to the Kinge in the selfe same termes as he did before.

M^r Wrote said that m^r Wither had said abroad that my Lo: of South-ton might as a Priuy Counsellor comitt him, and protested that vnder that feare he durst not speake freely.

The Earle of Southampton made Answere that he need not feare any such thinge from him, for whatsoeuer respect^e and addiçons he had, he left them all when he came to this place and came here onely as their Treasurer. [136]

The Court beinge wearied with these interruptions and impertinences desired his lp: to hold to the buissines ~~of the daye~~ ||they came for|| Wherevpon his lp: put his former Proposition to the question, vizt that the Court should be wholly read ouer and after||ward|| examined by part^e, and so the Court was entirely read ouer w^{ch} beinge donn it was the second time begun to be read and m^r Wrote willed to make his exceptions.

Wherevpon m^r Wrote said that there was an omission in the very front vizt that m^r Deputy presently after the settinge downe of the Court excused himselfe that the Court kept on the Sum^r Iland^e Quarter Court daye could not be then read because it was not drawne vp for want of time, and therefore desired that the readinge of the Court might be put of till the next Court followinge it, and this exception he said was verie considerable for if the Court had bin read wherein was declared howe the buissines of Salaries passed, it would perhapps haue so well informed him, that he should not haue spoken so much as he did.

This Omission m^r Deputy confessed to be true but protested it was not out of willingnes but of forgettfullnes, and sodid the Secr^e wherevpon it was ordered to be inserted as appeareth in the said Court.

After this was read S^r Edwin Sandys speach consistinge of many parte and branches, wherein he did declare what himselfe and the rest of the Comīttees had donn concerninge the buissines, against w^{ch} m^r Wrote tooke onely one exception: Vpon these wordē vizt for that he knewe some worthie gentlemen would willingly haue vnderwritt in the said Roll if they might haue bin admitted vpon the purchase of two shares only, sayinge that S^r Edwin Sandys said in the Counsell that it was but one gentleman y^t would aduenture 50^{li} S^r Edwin Sandys said that he spake with two gent^l: about vnderwritinge whereof the one absolutely promised and the other did not deny.

The Ea: of Southampton replied it was not nowe the question what S^r Edwin Sandys said at another time, but what he said then and therevpon demaunded of the Court their opinion, who generally agreed that the whole speach of S^r Edwin Sandys and that clause in perticuler was rightly sett downe, and beinge put to the question it was by a generall erecō of handē confirmed that all those speeches were truely and rightly sett downe. [137]

After this was read m^r Wrotes speach in the begininge whereof he tooke exception at these wordē, As if their lawes were like the Lawes of the Meads and Persians protestinge with great confidence that it was falsely sett downe by the Secretary and that he did not speake those wordē in that Court: But the Secretary by vertue of his oath said he did speake them and that those wordē were in his Minutē. and Diuers of the Companie did testifie that he did speake them.

Amongst w^{ch} was m^r White the lawyer, but withall he said he thought he did not vse the ¶word¶ Lawes but orders: and therevpon those wordē to their orders as if their ~~orders~~ Lawes was thus amended to those orders as if those orders were like the lawes of the Meadē and Persians and so it was approued to be spoken.

M^r Wrote tooke a second exception also in the same speach in that it is there sett downe that himselfe said he was the first proposer of it denyinge that he said so, for he said himselfe was not the first Proposer of it but m^r Deputy ffarrar: But m^r Deputy ffarrar said, that

who was the first Proposer of it was not materiall, but that m^r Wrote did in that Court saye himselfe was the first Proposer was true by vertue of his Oath, and further said that his aunswere therevnto did necessarily inferr: w^{ch} aunswere was generally acknowledged: And the Secretary likewise said by vertue of his oath that that pointe was true. But m^r Wrote denied it confidently offeringe to sweare he said it not; but m^r Copeland affirmed that he directly remembred m^r Wrotes speach to be so in substance as was sett downe: Wherevpon it beinge put to the question that pointe by erec^on of hande was confirmed to be truely sett downe.

M^r Wrote further excepted in the selfe same speach against that clause, But rather ||that|| it might run his due course of examina^on by a Comittee &^c sayinge that he neither spake of Co^mittees nor of Quarter Court^e.

ffor the first pointe of Co^mittees m^r Sparrowe avouched directly that he spake of Co^mittees and of co^mitinge thinge accordinge as was sett downe.

Wherevpon there growinge a great question vpon m^r Wrots constant denyinge of it, m^r Wrote in great heate complained of wronge that hauinge two sufficient wittnesses that he did not saye it, that there should be any question of it. Wherevpon the Ea: of Southampton asked him w^{ch} were his wittnesses, wherevpon he named m^r Edw: Iohnson and m^r White the Lawyer, But m^r Iohnson said he would not sweare it nor saye [138] it for he did not vse to affirme Negatiues and m^r White said ||~~the cleane contrary~~||, y^t he vnderstood the cleane contrary, that he vnderstood that m^r Wrote did speake of Co^mittees accordingly as is entred, Wherevpon it beinge put to the question. it was by erec^on of hande confirmed that it was rightly sett downe not one dissentinge.

ffor the second exception of Quarter Courts it was accordinge as m^r Wrote desired amended vizt whereas it was thus But rather it might run his due course of examination by a Co^mittee and in seuerall Courts before it were brought to the Quarter Court the word^e and in

seuerall Courts before it was brought to the Quart^r Courte to be ordered: It is nowe thus amended or in the followinge ordinary Court before it be ordered: This part of his speach beinge put to the question was by erec^on of hand^e confirmed to be rightly sett downe.

M^r Wrote further excepted that the Remainder of that speach of his was not in his due place, and that before he spake m^r Gibbs made a longe speach to the same purpose of giuinge the Seale to Secr^e Danison to Chre ptis C^t m^r Gibbs was of opinion that he spake some such thinge, but not being §verie§ confident thereof, m^r Wrote said that he would make him confesse it or he would make him no man, and that he would make him sweare it in the Chauncery or ~~in the~~ Starr-chamber.

S^r Edwin Sandys, m^r Io: ffarrar, and m^r Deputy confidently affirmed that m^r Gibbs did speake no such thinge in the Court, but that those speaches of m^r Gibbs alledged by m^r Wrote were spoken after the Court in the Parlo^r in priuate and afterward at the Counsell Table the weeke followinge w^{ch} the Lord Cauendish also testified: Herevpon m^r Wrote affirmed vpon his oath, that it was otherwise: To w^{ch} creditt not beinge giuen by the Court he vehemently protested he would appeale vnto the Kinge, and in great passion challenged the Ea: of Southampten for giuinge him the lye in the Third person at a Sumer Iland^e Court, saying that if any man should saye that in any thinge men were ouerawed and durst not speake it was put into his mouth by the Deuill the father of lyes for a fowler lye himselfe neuer told.

To w^{ch} his lp: made answeare that what he had said he would iustifie and mayntaine and that if m^r Wrote ||would|| take it to himselfe he might.

M^r Wrote also challenged his lp: further for sayinge that he blundered out his indiscre^on and that in such a manner as ~~that~~ the whole Court therewith seemed to be highly offended and m^r Bland said my Lord I haue seen in another Court if any had spoken so much he had bin committed. [139]

Wherevnto m^r Wrote replied you are a verie indifferent man and I thanke you for it.

M^r Bland made answeare for my part m^r Wrote I tooke you to be as iudicious a man as any of the Companie vntill you first began this buissines.

The Ea: of Southampton said that had he carried himselfe so in any other place but this he would not haue endured it and sharpely willed him to behaue himselfe after a better manner; After this returninge againe to the question of m^r Gibbs speach, the whole Court beinge ignorant of it, and it seeminge impossible, that he should be the first mouer of soe many remarkeable thinge, and yet the Court tooke no notice of it: It was generally ~~comended~~ ||conceaued|| by the Court that it was a matter wholly mistaken by m^r Gibbs and m^r Wrote and rather spoken in some other place.

M^r Wrote further excepted against the word (only) in this Clause And was the only cause of their vnwillingnes to vnderwrite to the said Roll, but beinge put to the question it was by ereccon of hande confirmed to be truely sett downe.

After ~~ward~~ ||this|| the Remaynder of m^r Wrots speach beinge put to the question, it was by a generall ereccon of hande confirmed to be right entred as it was sett downe in the Booke Onely in the end thereof this addicon followinge was put in w^{ch} m^r White said he remembred m^r Wrote spake: The Companie beinge in debt, the moneys Payd in to the Companie by such as subscribed might be presently seized vpon accordinge to the custome of the Citty whereby the Companie should pay vse for the Stocke and not haue the same to imploy to any benefitt: But howe this was induced m^r White saith he remembers not fully.

After this was read S^r Edwin Sandys speach to m^r Wrots allegacon of the lawe w^{ch} by ereccon of hande was approued to be rightly sett downe.

After this was read m^r Deputies speech to m^r Wrotes Proposition of comittinge thinge againe that had bin ~~comitted~~ ||determined|| by the Quarter Court w^{ch} by ereccon of hande was approued to be rightly sett downe.

After this m^r Withers speech and the speech of one other touching the former point were read and in like manner approued to be rightly sett downe. [140]

After this S^r Edwin Sandys replie to m^r Wrotes speech touchinge the Companies bearinge a Tenth part in the Aduenture for bringing home the Spanish Tobacco and touchinge m^r Wrots opinion that priuate mens estates was liable to make ||good|| the Companies engagem^t by their Seale was read and likewise approued by the Court to be rightly sett downe.

||After this m^r Caswells Report of m^r White the Lawyers opinion touching that point of m^r Wrotes speech of the engagement of priuat mens Estats C^r was read and approued to be rightly sett downe.||

||After this|| m^r ~~Alderman Johnsons~~ ||Wrotes|| speech that matters were not fairely carried but were hastily shuffled ouer beinge read, he excepted against these wordes as not spoken in this place.

M^r Johnson said he did thinke that the wordes (not fairely) were spoken.

But the Lo: Cauendish said that he did well remember that m^r Wrote vsed in that speech these words not fairely carried and that he vsed also either the word Shuffled or hudled ouer in the verie same place: Wherevpon it beinge put to the question it was by ereccon of hande confirmed to be rightly sett downe. But m^r Wrote said there is in the later end of his said speech an omission of an instance that he then alledged which he said he deliuered in these wordes (vizt) That he was therefore confirmed in that opinion because of the late example of the Muscouy Company: W^{ch} wordes the Court agreed should be added accordinge to m^r Wrotes desire.

After this m^r Aldrān Iohnsons speach and m^r Withers reply there-vpon touchinge the Muscouy Companie were confirmed to be truely sett downe: But m^r Aldermⁿ: ||Iohnson|| desired that this might be added also namely that this instance was confirmed by m^r Mellinge.

Where ~~vpon~~ ||vnto|| S^r Edwin Sandys made answeare that m^r Mellinge speach did rather confirme the cleane contrary: And m^r Mellinge was desired to sett downe his owne speach w^{ch} ||here|| followeth ||viz||

M^r Mellinge beinge present replied it was true that a leviaçon for payment of the Muscouy Companies debt^l was ordered by the Lord^e of his Ma^{ty}s most Hono^{ble} Priuy Counsell to be made out of the gaines made vpon their seuerall Stock^e in the seuerall yeares when those moneys were supposed to be borrowed and taken vp at interest and not to be laid vpon the whole body of the Companie or them that were not Traders in those yeares or since. [141]

After this m^r Deputies speach touchinge the vnseasonablenes of m^r Wrotes Proposition C^r was read w^{ch} by erecçon of hand^e was approued to be truely sett downe.

After this the Lo: Cauendish his report of the faire carriage of the buissines by the Counsell and Co^mmittees was read w^{ch} by erecçon of hands was confirmed by the Court to be truely sett downe.

And whereas after this, it is said that the Argument beinge still maintayned with such violence and vnorderlynes against so many good reasons as had bin alledged, m^r Wrote tooke exception at the interlineaçon of these word^e with such violence and vnorderlynes w^{ch} word^e he said was sett downe in another hand, charginge the Secretary vpon his oath to declare who inserted those word^e: Wherevpon the Secretary said it was his hand and ~~they~~ were put in by m^r Deputies appointment.

M^r Wrote replied that these words were verie considerable, because they might lead to an Accusaçon of him against the Quarter Court but it was generally knowne and confessed that the Court that day

was so much disordered by his interruptions and violent speeches as the word^e were generally adiudged by the Court to be rightly sett downe, and therevpon it beinge put to the question they were by a generall erec^on of hand^e approued (onely three dissentinge).

Wherevpon m^r Wrote said I ame glad of it gentlemen that you haue preiudged me in this case vnto the Quarter Court vnto w^{ch} I appeale and therevpon said saluo honore of the Court he would depart.

After this m^r Deputies speach and protesta^on was read w^{ch} beinge put to the question was by a generall erec^on of hands approued to be truely sett downe.

M^r Johnson said that he departed the Court before m^r Deputy made this Protesta^on and saith there is an omⁱssion of some word^e that m^r Wrote spake for he heard m^r Wrote say that he knewe many eyes were vpon him and desired the speeches he had spoken might be sett downe.

After this m^r Wrotes Answere to m^r Deputies protesta^on was read and put to the question and by erec^on of hand^e confirmed to be rightly sett downe.

After this m^r Deputies replie to m^r Wrot^e vrginge his form⁹ Propositions to be put to the question was read and by erec^on of hand^e approued to be truely sett downe. [142]

Next the manner of the Proposition was read and by a generall erec^on of hand^e was likewise confirmed to be truely sett downe.

Next the Lo: Cauendish report touchinge the buissines of one Wye was read and by erec^on of hand^e confirmed to be truely sett downe.

Next m^r Wrotes speach therevpon was read and by erec^on of hand^e confirmed, onely in the later end m^r Wrote desired an addi^on of these word^e followinge w^{ch} he said he did then deliuer (vizt) for it was nowe no worke of a gentleman but of a Solicitor w^{ch} word^e the Court agreed should be added as m^r Wrote desired.

Next a Letter from m^r Henry Reynold^e in the behalfe of one Iohn Taylor was read, w^{ch} was put to the question and confirmed to be truely sett downe.

Next m^r Wrotes speach touchinge the Salaries was read, wherevnto m^r Wrote tooke exception sayinge, that he deliuered those reasons at interloquutory times and not together as was sett downe, and that the word Deriuatiue was omitted to these word^e at the last Court, whereas he said at the last Deriuatiue Court: but the Court did verie well remember that he deliuered those reasons together and the Answeare that followeth doth necessarily imply so much, wherevpon it beinge put to the question wth the addition of the word Deriuatiue as m^r Wrote desired it was by a generall erec^on of hand^e confirmed to be truely sett downe.

Next the speach in answeare therevnto was read and approued by a generall erec^on of hand^e to be rightly sett downe.

After this againe m^r Wrots reply touchinge the Salaries was read whereat m^r Wrote tooke exception sayinge that he did not speake the word^e together as in that clause they are sett downe vizt matters were carried fowly and disorderly and with much arte surreptitiously and to private ~~Ed~~ end^e and that the Companie durst not speake ~~their~~ ~~minds~~ because they were ouerawed.

But m^r Wither said vpon the first word (ffowly) he recalled him: and that m^r Wrote beinge then in a great heat and passion added all the rest of the word^e followinge in that speach and generally the whole Court testified it to be so: Wherevpon that speach of m^r Wrot^e beinge put to the question it was by a generall erec^on of hand^e confirmed to be rightly sett downe. [143]

Next the speach of m^r Withers vpon the word fowly and of m^r Caswells vpon the worde ouerawed, and likewise the manner of m^r Alderm: Iohnsons interrupting of m^r Caswell in his said speach were read and beinge put to the question were confirmed by erec^on of hand^e to be rightly sett downe.

Next m^r Iohn ffarrars speach to the words ouerawed and durst not speake was also read w^{ch} beinge put to the question was by erec^{con} of hand^e confirmed by the Court to be truely sett downe.

But as this was a doeing m^r Wrote came from the further end of the Table to m^r Iohn ffarrar whisperinge some word^e privately in his eare, w^{ch} the Ea: of Southampton observinge, com^{ma}unded with much earnestnes m^r Iohn ffarrar to declare what m^r Wrote said, who at length beinge much pressed herevnto by his lp: said that m^r Wrote vpon hearinge his speach nowe read said vnto him in this manner, you would not haue said vntrue to me in another place w^{ch} m^r Wrote denied to haue spoken in that manner: But his lp: sharpely reprov^{ed} him for his ill behauio^r and said plainely it was noe other but a kinde of swaggeringe.

After this m^r Wrotes Allega^{con} of the 108 lawe was read, but he said these word^e vizt (w^{ch} he had made) next after the word lawes in the second line were not spoken by him: Wherevpon the Lord Cauendish caused them to be stricke out as m^r Wrote desired, confirminge the rest to be truely sett downe.

Next the Lo: Cauendishes speach touchinge m^r Wrotes affrontinge him and the ~~read~~ rest of the Counsell and com^{mit}tees was read and approued by the Court to be truely sett downe.

But m^r Wrote told his lp: there was an omission of some word^e that he vsed toward^e him at that time; namely that he had donne more harme by that dayes worke then Capt: Martin Capt: Baylie or Capt: Argall, w^{ch} word^e my Lo: Cauendish callinge nowe to minde desired they might be added w^{ch} the Court generally agreed vnto.

Wherevpon m^r Wrote said himselfe spake these word^e followinge w^{ch} he said were om^{it}ted vizt: My ||good|| lo: I protest vpon my saluation I had no intent directly nor indirectly to perstringe the Ac^{cons} of the Counsell nor of yo^r Lp: or of my Lord of Southampton for I confesse your courses haue bin alwayes like yo^r selues noble, direct, iust and playne, but I speake of things donn in yo^r Lp^s absence when

yo^u were out of Towne whereof you can take no notice: with this addiçon w^{ch} he desired to be inserted after these wordē

And further said that he was wearie of beinge any longer in pollitique bodies and that he had taken paines 40: dayes in examinaçon of buissines concerninge the Sum̃er Ilandē. [144]

As for S^r Edwin Sandys lawes he said that he called them no other-wise then ||as|| a great Lord did w^{ch} addiçon to the rest of his speach beinge put to the question was confirmed to be rightly sett downe.

After this S^r Edwin Sandys answeare vnto the lawe cited by m^r Wrote was read and by erecçon of handē approued to be rightly sett downe.

Next m^r Deputies speach was read: Whervpon m^r Wrote tooke exception ~~of~~ ||at|| some wordē omitted that were spoken by m^r Deputy at that time vizt that he taxed him of ignorance but m^r Deputy answered that he said m^r Wrote spake out of his ignorance sayinge I meane ignorance of fact (explayninge himselfe with the same breath) w^{ch} m^r Copeland well remembringe iustified it to be true.

Wherevpon m^r Wrote said he made this repleye sayinge, m^r Deputy speaks out of the abundance of his Knowledge but he out of his conscience, m^r Deputies speach beinge put to the question is confirmed generally to be rightly sett downe.

Next m^r Wrotes ~~exception~~ exception against the disorderlines of the first Com̃ittee and m^r Deputies answeare therevnto was read and beinge put to the question were confirmed to be rightly sett downe onely in the begininge thereof m^r Wrote said that he spake these wordē: Then I must vnwillingly come to an Accusation against S^r Edwin Sandys and the two Deputies, w^{ch} he desired might be entred.

And m^r Wrote further alleaged that m^r Gibbs spake likewise diuers thingē thereaboutē, but the pticularities thereof were gen^{lly} ~~by~~ denied by the Court to haue bin spoken at least not to haue bin heard of the Court and the Lo: Cauendish, S^r Edwin Sandys, m^r Deputy and m^r Iohn ffarrar constantly affirmed that those thingē were spoken in the Counsell afterward and not at that Court: Wherevpon it beinge

put to the question it was adiudged by a generall erec̃on of hande that the speeches were not spoken at that Court And that m^r Wrote and m^r Gibbs were mistaken and that those speeches were spoken in some other place and not in that Court.

After this m^r Wrotes Obiec̃on that neither the Counsell nor Cõmittees had authority giuen them to treat of the matter of Salaries And m^r Deputies Answ^r therevnto beinge read were approued by the Court to be truely sett downe.

Next m^r Wrotes speech touchinge thinge brought into the Court by m^r Deputy as the iudgement of the Cõmittees w^{ch} he said were not their doinge instancinge the report made vpon the matter of petĩcons beinge read m^r Wrote excepted against it, sayinge that these wordes were omitted [145] (vizt) that he said that m^r Deputy at the begininge brought that report downe vnto him wett and asked him howe he liked it, w^{ch} Speech of his and m^r Deputies replie together with the addĩon were by erec̃on of handes approued to be ~~rightly~~ ||truly|| sett downe.

Next m^r Wrotes challenginge m^r Deputy for ||the|| wronge entringe of a Court the 7^o of Octob: last was read and approued by a generall erec̃on of handes to be truely sett downe.

After this m^r Deputies protestãon of his owne integrity in the buisines of Salaries was read and by erec̃on of hande approued to be truely sett downe.

M^r Bromefeilde speech was read and approued to be rightly sett downe.

S^r Edwin Sandys speech in defence of the Contract was read wherevpon m^r Wrote said there was an om̃ission of these speeches followinge namely that S^r Edwin Sandys said that m^r Wrote had donn wronge to the State and therevpon m^r Wrote said he made this protestãon that he spake nothinge against the Contract but onely against the Salaries: Wherevpon S^r Edwin Sandys his speech with these Addĩons beinge put to the question were confirmed to be rightly sett downe.

Next m^r Alderm: Johnsons speach beinge read he desired these word^e might be added, m^r Alderman therevpon protested that by the oath he had taken he neuer went about any bargaine but once with S^r Edwin Sandys and S^r Iohn Wolstenholme to the Counsell Table beinge sent by the Companie and for the Companies vse.

S^r Edwin Sandys also desired that m^r Caswell^e report that he had heard as much at y^e Counsell Table might be likewise added.

M^r Wrote said that in this place there is an omission of an Appeale that he made in this manner vizt: That because he could not haue things put to the question and for diuers other reasons of offence he did appeale to the Quarter Court.

M^r Wrote said further that m^r Ditchfeild made a stronge argument against the Salaries, But a doubt beinge made whither m^r Ditchfeild was at that Court or noe, m^r Alderman ||Iohnson|| said that he well remembred that he was there and made some short speach touchinge that pointe, but no body knewe what it was.

After this m^r Wrotes speach touchinge the care of the Planter was read whereat he tooke exception, sayinge, that he did not propound that question by waye of demaund (as is expressed) but by waye of desire w^{ch} he praid might be entred after this manner, m^r Wrote desired that they would take some course for the poore Planter &^e ~~and the rest as followeth in that clause~~ ||seeing he could not be possessed of his owne good^e but must come into the Comp. hand^e whereby he must¹ attend their Sale and in the meane tyme haue not wherewth all to furnishe himself wth necessaries||: Wherevpon the rest of his speach with this amendm^t beinge put to y^e question, was generally approued to be rightly sett downe. [146]

S^r Edwin Sandys likewise desired that the speach he made therevpon might be likewise entred, namely that they had had consultacons diuers times about that matter w^{ch} the Court generally agreed should be put in.

¹ A sign is used to carry the interlineation to the margin from this point to the end of the insertion.

After this m^r Deputies speach to the same pointe was read and beinge put to the question was approued by the Court to be rightly sett downe.

Next the question that was put whither this matter should be at all disputed but in a Quarter Court was read and approued by the Court to be rightly sett downe.

This donne the Draft of the whole Court with the addiçons and reformaçons that had nowe passed was put to the question and by a generall erecōon of hande confirmed to be rightly sett downe onely one dissentinge.

After this it was agreed and ordered that this Court should be warned to meete againe on Monday morninge next to examine whither these former amendment^e be truely entred or no.

Afterward m^r Wrote moued the Ea: of Southampton and the Lord Cauendish for a Coppie of the Act of Counsell touchinge him but they held his request vnfitt to be graunted, Notwithstandinge they graunted him leaue to pvse the same at his pleasure and were not against his request to take not^e.

AT A COURT HELD FOR VIRGINIA
ON MONDAY IN THE FORENOONE THE
3^o OF FEBRUARY 1620¹

PRESENT

Right Hono^{ble} Ea: of Southampton.
Lo: Cauendish.

S^r Edwin Sandys.
S^r Iohn Dauers.
m^r Gibbs.

m^r Bland.
m^r Sheppard.
m^r Withers.

m^r Meuerell.
m^r Baynham.
m^r Robert^e.

¹ Error for 1622.

m ^r Zouch.	m ^r Barbo ^r .	m ^r Webbe.
m ^r Nich ^o ffarrar.	m ^r Boothby.	m ^r Sparrowe.
m ^r Wilmer.	m ^r Steward.	m ^r Ley.
m ^r Tomlins.	m ^r Mellinge.	m ^r Barker.
m ^r Io: ffarrar.	Capt: Rossingham.	m ^r Waterhowse.
m ^r Ed: Iohnson.	m ^r Hackett.	with diuers others.
m ^r Bromefeild.	m ^r Cuffe.	
m ^r Wheatly.		
m ^r Caswell.		

The Ea: of Southampton signified that this Court was warned by order of the Court held on ffriday last onely for this one buissines namely to examine whither those alteracons and amendment^e that then passed were rightly entred or noe. [147]

M^r Wrote said that he havinge pervsed the Act of Counsell of the 4th of Decemb^r. last, and taken thereout some not^e, as was permitted by their^{lp}^s he found therein as many omissions as in the Court held that daye w^{ch} he desired might be amended; but his lp: told him that could not nowe be: Wherevpon m^r Wrote said he appealed from the proceeding^e of this Court vnto the Kinge the fountaine of mercy and iustice, and to such Deligate as it should please his Ma^{tie} to appoint But my Lo: of Southampton told him that notwithstandinge his appeale they would proceed and goe on in the reveiwe and pfectinge of that w^{ch} had passed on ffriday and should be ready to giue an Account of their doing^e.

After this the seuerall passages of the Court held on ffriday last touchinge the rectifyinge of the Court held the 4th of December was read and examined by part^e, and the addicons and alteracons then made and passed beinge nowe read and duely entred, The Ea: of Southampton put it to the question, whither thing^e were rightly sett downe or noe: Wherevpon the whole Court by a generall ereccon of hand^e (noe one dissentinge) testified the pticuler passages of ffridays Court nowe read to be truely reported, and the amendment^e also to be duely entred in the aforesaid Court of the 4th of December.

AT A PRÆPARATIVE COURT HELD ON
MONDAY THE 3^o: OF FEBRUARY 1622

PRESENT

Right Hono^{ble} Ea: of Southampton.
Lo: Cauendish.

S ^r Edward Sackuill.	m ^r Bulkely.	m ^r Percy.
S ^r Robt Killigrue.	m ^r Moorcr.	m ^r Sheldon.
S ^r Tho: ¹ Wroth.	m ^r Caswell.	m ^r Seward.
S ^r Hen: ¹ Mildmay.	m ^r Barbo ^r .	m ^r Lambe.
S ^r Io: Brooke.	m ^r Shippard.	m ^r Ditchfeild.
S ^r Edwin Sandys.	m ^r Berblocke.	m ^r Robbins.
m ^r Nicho ffarrar Dpt.	m ^r Copland.	m ^r Robert ^e .
m ^r Gibbs.	m ^r Balmford.	m ^r Addison.
m ^r Palmer.	m ^r Wither.	m ^r Webbe.
m ^r Wrote.	m ^r Meuerell.	m ^r Dike.
m ^r Binge.	Capt Martin.	m ^r Swayne.
m ^r Wilmer.	m ^r Mellinge.	m ^r Leverr.
m ^r Iohnson.	m ^r Groce.	m ^r Bennet.
m ^r Io: Smith.	m ^r Scott.	m ^r Caninge.
m ^r Palavicine.	m ^r Taylo ^r .	m ^r Hobbs.
m ^r Io: ffarrar.	m ^r Barker.	m ^r Io: Wolstenholme.
m ^r Mole.	m ^r Robert ^e .	m ^r Woodall.
m ^r Bromefeild.	m ^r Meddas.	m ^r Hun.
m ^r Porter.	m ^r Kirrell.	m ^r Cuffe.
	m ^r Bolton.	m ^r Whitly.
	m ^r Newport.	m ^r Baynham.
		with diuers others.

[148]

S^r Iohn Brooke moued the Court in behalfe of Capt: Iohn Martin that they would please accordinge to my Lord of Southtons promise to

¹ A blank space in the manuscript.

graunt him a Patent with as ample priuiledges as hath bin graunted to his lp: or any other auncient Aduenturer and that his Shares of land menõned in his former Patent or shall become due for transportaõ of psons at his charge may be laide out in Martin Brandon, w^{ch} request the Court agreed vnto hauinge alwaies offered as much vnto him: But whereas Captaine Martin moued that he might haue therewith those Swamps and boggs as lay neare thereabout, w^{ch} could not be planted and yet might be of great vse vnto him for keepinge of his Swyne; The Court made him Aunsweare that he must be contented to take his due proporõ of land together as it shall fall out in that place of Martin Brandon of w^{ch} as he saith he was formerly possessed.

After this m^r Deputy propoundinge the passinge of certaine Shares from m^r Carter to other psons there arose some questions and oppositions about them, S^r Henry Mildmay said he was sorry to see so much dissention and variance still continued amongst the Companie, but professed himselfe was neither of the faction nor factions, and said his Ma^{tie} had lately taken notice of these differences, and is a hinderance to other mayne buissines of speaciall consequence vnto the Plantation and that his Ma^{tie} vnderstands that diuers Aduenturers haue bin discouraged from goeing on, and wonders that so many are willinge to giue ouer their Shares.

He signified further that his Ma^{tie} did desire to preserue the liberty of the Companie in euery kinde and that no pticuler man of the Companie be abridged of his liberty to speake freely so it be with fittinge report vnto the gouernment and the Plantation.

Hee said further that he came not to stirr vp a storme but to allay it and make a Calme, and said at the last meetinge of the Counsell he moued that these verball differences might be taken vp and that his Ma^{tie} did likewise desire an end of them, but saith that this he relate was accidentally and by waye of discourse with his Ma^{tie}.

M^r Deputy made Answeare that the Companie did much ioye to vnderstand that his Ma^{tie} pleased to take their affaires so much into his

royall consideraçon and desired S^r Henry Mildmay to the entent the Company might fully pforme what his Ma^{tie} required (because the Court was nowe but smale) he would please to leaue his message in writinge or stay till my Lord of Southampton and the Lord Cauendish comes to report the same againe vnto them. [149]

S^r Henry Mildmay beinge desired to satisfie the Court whither he deliuered this as a Message from his Ma^{tie} or from himselfe, made aunswere that he deliuered it by waye of aduise and from himselfe vpon a late discourse ~~that~~ he had with the Kinge but no waye as a Message from his Ma^{tie}.

M^r Deputy excusinge the weaknes of his memory that he doubted not to be able pfectly to sett downe S^r Henry Mildmayes speach, besought him that he would be pleased againe to deliuer it to the Secretary but he aunswared that he would be here on Wedensday next to obserue whither the same hath bin rightly taken by the Secretary.

S^r Iohn Dāuers said he held it most necessarie that before they proceeded any further to state S^r Henry Mildmayes Speach w^{ch} he wished might be put to the question, whereat some opposed, and m^r Deputy beinge about to put it to the question, S^r Henry Mildmay desired it might be spared till Wedensday next, when he would againe be present: Wherevpon the Secretary was required to read those headē he had taken of S^r Henry Mildmayes speach w^{ch} he did and was approued.

This donn the Court desired m^r Deputy to returne againe to the buissines of the Daye and to propose the Shares that were to be passed.

Wherevpon the Court passed these Shares followinge of m^r Carters vizt

To m ^r Christo: Vyvyan of London, Clothworker	1 share
To m ^r Ed: Palmer of the Midle Temple Lond: esq ^r	14 shares
To m ^r Tho: Morse Haberdasher.....	1 share
To Tho: Lathum of London gent	1 share
To Ia: Carter Marriner	1 share

To m ^r Ed: Palmer esquire.....	11 shares
To Rich: Norwood gent.....	1 share
	30

Which Shares by the bill presented appeared to haue bin sold the most of them in Iuly.

Also S^r W^m Twisden knight and Barronett passed three Shares of land in Virginia vnto S^r Roger Twisden his Sonn: All w^{ch} Shares being put to the question passed the allowance and approbacon of this Court. [150]

Also W^m Burnham passed ouer one Bill of Aduenture of 12^{li} 10^s 00^d and one psonall Share of 100 acres of land in Virginia (descended vnto him by the death of his eldest brother Sam: Burnham) vnto m^r Iames ffothergill: w^{ch} was likewise put to the question and confirmed vnto the said Iames ffothergill.

M^r Deputy moued for order to drawe three seuerall Patent℥ ~~viz~~ to these men vizt

To m^r Iames Haberly and his Associat℥.

To m^r Arthur Levellis, and to Cap^t Iohn Martin w^{ch} was accordingly ordered to be drawne vp against the Quarter Court.

M^r Roberts moued the Court for a letter of reco^mendacon vnto the Gouvernor of Virginia in the behalfe of m^r Arthur Leuellis that is nowe to take a Patent that himselfe and his people may be respected and well accomodated after their arriuall in Virginia.

M^r Deputy acquainted the Court howe farr the Auditors had proceeded vpon the Account℥ of the old Magazine of Virginia (m^r Essington havinge brought vnto them his booke℥ w^{ch} he said had his begininge some 5 yeares agonn, but said he would giue the Aduenturers but litle comfort for that they were like to receaue for ought yet appeares) but litle aboue halfe of their principall money, that there was nowe 1000^{li} to be diuided amongst them, and also added that there was a

great difference between m^r Essingtons and y^e Capemarchant^e booke, m^r Essington charged him with 400^{li} more then he acknowledged but he said they were not yet come so farr that he could giue them a certaine resolucon where the fault ~~lye~~ laye.

M^r Kightly takinge notice of the great losse the Aduenturers were like to sustaine of their principall money after so longe forbearance said that he had heard it crediblie reported, that their Capemarchant was at first a verie poore man, but through his imployment in the said Magazine, was become exceedinge rich, whereas his bargaine was that he should be recompenced out of the gaines of their Stocke: he therefore wished that the buissines might be strictly looked vnto.

M^r Deputy moued y^t the Aduenturers for some consideracon to be had for m^r Cuffe paines bestowed about those Account^e.

M^r Deputy presented also a note of certaine Debt^e due vnto the Companie whereof he named some (vizt)

m ^r Morris Abbott who stand ^e indebted.....	38 ^{li}	7 ^s
m ^r Nich ^o Leat.....	43	
m ^r W ^m Caninge	88	— 5 —7
Capt: Io: Bargraue by subscription.....	512	10 —0
The Aduenture in the Susan w ^{ch} S ^r Tho: Smith or Al- derm: Iohnson is to pay	105	— 0 —0
		[151]

And further that there was brought to that Account neere 100^{li}: for charges in followinge the Suite against Capt: Bargraue.

These buissinnes and Debt^e laye as it were a sleepe because there was noe one perticuler man to followe them, and although diuers men had Shares in the buissines, yet euery man would rather loose his part then put vpon himselfe any trouble or labo^r.

S^r Edwin Sandys said that he would nowe make a mocon against their Salaries whereat diuers gentlemen had taken exception, that for his Salary it Should not trouble them for he would surrender it vp with a better will then euer he tooke ||it||, But said that whereas m^r Wrote

deliuered to the last Sum̄er Iland^e Court a Proiect howe the Contract shalbe well managed with lesse charge then nowe it is ordered he desired the same might be nowe read to this Companie: whereby if a better waye may be found then was formerly it may be taken into consideraçon and followed.

M^r Moorer comēded m^r Wrotes proiect to be verie good and worthy of respect and consideraçon.

S^r Henry Mildmay said he was not directly of the opinion of m^r Wrote in that paper w^{ch} was read touchinge his Proiect vizt That the poore Planter should be so limitted for the sale of his good^e But said his opinion was that these great Salaries were directly the waye to ouerthrowe all, and said true it was they passed the last Court with his vote but he was nowe of a contrary opinion sayinge secundæ cogitationes sint longe meliores, and further added that he conceaued his Ma^{tie} would rather that the Contract should not goe forward at all then to the ruine of the Planters, and said he was of opinion the buissines might haue bin better husbanded.

The Lo: Cauendish said he held it fitt the Counsell be assembled, to consider what better course can be proposed for the well managinge of this buissines.

S^r Tho: Wroth moued that the Court might nowe deliuer their opinion touchinge the Salaries because it so much concerned the poore Planters.

Capt: Rossingham said this course of consigninge all the Planters Tobacco that shall come home into one hand would much preiudice the Planters and exceedingly discourage them, but he was answered that he spake against the mayne body of the Contract for without that it could not be. [152]

M^r Iohnson the Lawyer made request he might haue liberty to speake freely to the matter of Salaries wherein he protested he would vphold the opinion of no man he said the Salaries as they nowe stand modo et forma will discourage the Planters and hinder the Plantation, he

therefore wished no Sallaries at all as yet or if Salaries then after a better waye then is nowe p̄scribed vnto w^{ch} he said he would giue these Stepps.

The first Steppe was that worthie men would please freely to continue their paines and bestowe their laboures in this buissines as others had donn for many yeares together.

That if Salaries be graunted they might be by the waye of honorare or gratuities in reward of seruice donne.

And if by a Stipency then not to propose so great a Some as 2500^{li} w^{ch} is 3^d p^{ti} vpon — 200000 waight for this he said would deterr the Importaçon of Tobacco and if that faile the Companie will smart for it.

Beside he wished that the Salaries might not be raised by this vigorous and strict waye of imposiçons but rather out of the aduancement of the price of the Tobacco by the sole sale of it here.

S^r Iohn Dāuers said that he was himselfe a wittnesse of y^e great care that the Co^mittee tooke touchinge the Salaries, but thinkē it will not be this dayes worke to answeare the Obiecçons made against them, and therefore moued that they might nowe onely heare the opinions of the contrary side and to morrowe to consider of them and so prepare the buissines against the Quarter Court.

M^r Wilmer said he was verie much discouraged and so were others whereof he would nowe shewe the cause.

The first cause was about the importaçon of the Spanish Tobacco.

The second touchinge the Salaries.

ffirst he said in the Præamble to the Roll he had obserued that the Companie are to beare a 10th part in the iointe Stocke for bringinge home of Spanish Tobacco and gaue their Seale for the Security.

Whereby he conceaued that if the ioint Stocke faile priuate mens estate both here and in Virginia are lyable to make good the Companies

engagement and therefore wished some course might be taken to saue the Companie harmeles in case the Iointe Stocke should faile. [153]

ffurthermore in the Præamble there is no caution or dispensaçon mençoned, in case the Kinge of Spaine shall raise the price of Tobacco w^{ch} he hath alreadie donn as he is credibly informed.

Also he obserueth that the Vndertakers haue but one yeare graunted them, for the bringinge in of the Spanish Tobacco, w^{ch} by reason so great quantity thereof is here already in this Kingdome cannot be brought in but with much losse or verie smale gaine if the price thereof be enhaunced in Spayne.

It beinge almost 6, of the Clocke it was vpon moçon generally agreed by erecçon of hande that the Court should be continued duringe pleasure This donne m^r Wilmer was desired to proceed.

Wherevpon he said he had obserued also in the Roll that the Importaçon of Spanish Tobacco is to be consigned to the Coñmittee by whome that buissines is to be managed to the benifitt of the Vndertakers who are to haue no votes in the carriage of that buissines but must be wholly left to the care of the Director and Coñmittees.

His second cause ||of|| discouragement he said was the matter of Salaries but spake not of it to any but the Coñmittees.

His first reason for that the matter of Salaries as he hath heard here in Court was sodainely and vnduely carried, that the Coñmittee treated supficially thereof by the fires side that the Deputy was called awaye and therevpon that Coñmittee brake vp and did nothings: At the next meetinge it was sodainely concluded vpon and so brought to the Quart^r Court where he obserued a great deale of silence and many hande held vp against it.

2 Reason that the Salaries were vnseasonably giuen because no seruice was pformed nor was it knowne howe well they would be deserued as also in respect there is no money in Cash, but the Companie verie much in debt.

3: Reason Salaries are vnecessarie if the buissines may be otherwise managed, and thinkē the Directo^r may doe good seruice by beinge a Co^mmittee at large, and sawe no reason why the Directo^r should haue such an ouerulinge power, and therefore supfluous.

And held also his Clarke to be vnecessarie.

To the Treasurer he allowed 100^{li} with a Clarke.

1 Casheire..... 50^{li}

Bookep 50^{li} [154]

4 Co^mmittees 50^{li} a peece supposinge 4 to be enough, but said that those already chosen were not men conversant in marchandizinge as was fitt they should.

As for the Co^mmittees at large he thought it best they be rewarded as they shall deserue and so likewise inferio^r Officers whereby he said he abated 1150^{li} of the former propor^con.

The Lo: Cauendish moued againe that the old Co^mmittees and Counsell together with the Assistantes of the Sum^r Ilands may meete to morrowe about it, where m^r Wilmer or any other that would might be present and giue their aduise touching that buissines.

S^r Edward Sackuill said that he would not nowe stand to giue Answere to prepened and premeditated argumentē but desired before they proceeded to a resolu^con that such as were of the contrary Opinⁱon and had giuen out that these Salaries were vnduely carried and exorbitant in their values might haue a daye appointed for hearinge.

M^r Caswell moued that whereas m^r Wilmer desires there might be fower Co^mmittees he might be one of those that should laye downe their Salaries and m^r Barbo^r also desired he might do the like.

M^r Bennett said he had bin present at these passionate proceedingē and that he was as much greiued at these intestine differences as at the late Massacre: And said that he obserued many to be discouraged at the grauntinge of the Salaries, but his hope then was his lp: would haue disperced those Cloudē awaye: But for his owne part he said he

would most willingly lay downe his Salary but hopes this buissines wilbe againe so well debated and considered of as matters wilbe brought to an easie end.

M^r Wilmer protested for the better clearing of himselfe from that suspiciō w^{ch} some might haue of him vpon a supposiō that he spake out of Enuy toward^e the psons of those that had Salaries that he spake it freely out of his conscience.

S^r Edwin Sandys made Aunswere that the buissines of the Salaries was not so vnduely carried as he conceaued for the Counsell had duely considered thereof and brought their opinions to the Quarter Court w^{ch} did ratifie and confirme them But he said that the Salaries (nowe they had giuen them) cannot be taken away by a Quarter Court, nor the Officers that they had chosen vnlesse they doe therevnto consent: But he would that a time might be appointed for y^e debating of these buissinesses without passion or partiality. [155]

These thing^e thus debated vpon it was at length agreed and ordered by erecō of hand^e that a Court should be be warned to meete to morrowe both forenoone and afternoone to consider of the matter of Salaries and of the best course that may be taken for setlinge of that buissines.

It was also moued that such as haue accused m^r Deputy of false entring of a Court will prepare and produce their proufes against to morrowe that they may be heard: Wherevnto m^r Wrote said he would forbear to doe it for the present and prosecute it in his due time and place hauinge appealed vnto his Ma^{tie}.

The Ea: of Southampton moued in the behalfe of a Noble & worthie gentleman Collonell Ogle (that had deserued well of the Companie heretofore and was also still well affected vnto the Plantaō) that they would please to graunt him his freedome w^{ch} request of his lp: the Court most willingly condiscended vnto.

M^r Mellinge moued that whereas there was heretofore a booke of Lawes for Virginia put in printe without the authority of the Com-

panie w^{ch} notwithstandinge is divulged abroad to be printed by the Companies consent, that it might be taken into consideraçon by a Comitteē appointed by the Court to the end the trueth thereof may appeare w^{ch} point was referred to the Quarter Court.

AN EXTRAORDINARY COURT HELD FOR
VIRGINIA ON TUISDAY IN THE FORENOONE
THE 4TH OF FEBRUARY 1622

PRESENT

Right Hono^{ble} Ea: of Southampton.
Lo: Cauendish.

S ^r Edw: Sackuill.	m ^r Bromefeild.	m ^r Widdowes.
S ^r Edwin Sandys.	m ^r Paulavicine.	m ^r Isaack Seward.
S ^r Robt Killigrew.	m ^r Do ^r Meddus.	m ^r Moor.
S ^r Io: Scudamore.	m ^r Steward.	m ^r Edwards.
S ^r Tho: Wroth.	m ^r Wither.	m ^r Mellinge.
S ^r Edw: Lawly.	m ^r Wheatly.	m ^r Swayne.
Dean of Paules.	m ^r Bland.	m ^r Webbe.
m ^r Nich: ffarrar Dpt.	m ^r Bull.	m ^r Cuffe.
m ^r Gibbs.	m ^r Meuerell.	m ^r ffran: Waterhowse.
m ^r Binge.	m ^r Caswell.	m ^r Vyner.
m ^r Kightly.	m ^r Gookin.	m ^r Saywell.
m ^r Wilmer.	m ^r Trueloue.	m ^r Taylo ^r .
m ^r Harvy.	m ^r Bond.	m ^r Tatam.
m ^r Tho: Shippard.	m ^r Hart.	m ^r Barbor.
m ^r Boothby.	m ^r Woodall.	m ^r Hackett.
m ^r Barbo ^r .		with diuers others.

My lo: of Southampton signified vnto the Companie that he ¶had¶ staid aboue an hower expectinge a fuller Court, and said the occasion of this meetinge was, that whereas [156] the Quarter Court had

formerly sett downe a Course for the well managinge of the Tobacco buissines, the said course beinge thought by some too burdensome, they had propounded another waye w^{ch} they were nowe to consider of, desiringe euery man to speake freely and to each perticuler as it should be proposed without disorder ||and|| passion and said he held it fitt that the Proiect be read first all ouer and after examined by partℓ.

m^r Wrotts proiect.

A Declaration playnely shewing how the Contract may wth less chardge bee menadged then now it is ordered

First the place of Director §and Deputy§¹ shall absolutely be laid downe and the Salary giuen to them shalbe wholly saued, the two Companies may supplie the place of Director in their extraordinary Court called for that purpose.

There shalbe one sufficient Marchaunt chosen Treasuror to whome the Companie may be pleased to giue 100^{li} Salary.

Vnder him there may be placed a sufficient Accountant that may be his Cashier to whome may be allotted 50^{li} or 40^{li} Salary.

There may be Ten Comittes whereof fower to be chosen by the Sumer Ilands Company of the number of their Assistantℓ and six by the Virginia Companie to each Comittee 20^{li} Sallary may be allotted.

There may 6 gentlemen be chosen indifferently out of both Companies w^{ch} may be in quality of Assistantℓ to the Treasuror to whome no Sallary shalbe allotted but in case the buissines proues by their industrie and good carriage profittable the Companie may with some smale gratuity testifie their good acceptance of their endeauor^r and also comend them further to the Lord Treasuror of whome it may be hoped that he wilbe pleased to consent to such a moderate guift.

To the Bookeeper there may be allotted 60^{li} Salary p Añu To the Beadle 15^{li} p Añu

To the Husband 15^{li} p Añu.

To the ||a|| Clarke ||for|| to waite wholly vpon that buissines 30^{li}.

ffor a howse wherein no man that hath a family shall dwell but the howskeeper 60^{li} p Añu or at most 80^{li} sufficient Warehowse roome comprized therein.

To the Soliciter accordinge to the Discrecon of the §Assistantℓ & § Comittees: The whole charge of Officers howse and Comittees will not amount to 600^{li} at the vttermost for Sallary and howserent so in this alone there is saued aboue 1200^{li} p Añu.

If the Companies wilbe pleased to allott other 600^{li} to be raised for y^e payment of publique charges in case so much shall neede there wilbe saued to his most

¹The caption and preceding words of this document are in the handwriting of Nicholas Ferrar.

excellent Ma^{tie} and the two Companies 1300^{li} yearly and of that 600^{li} the officers shall giue a iust Account and make restitucon of the Remaynder if any be. And it is not to be doubted but that there wilbe found so many worthie members of both Companies as will vpon these Termes for one yeare and more rather then the buissines shall fall to the ground to beginn this Hillary Terme to vndertake this buissines, for consideringe that ~~many~~ ¶diuers¶ for diuers yeares past euen for conscience sake haue with great alacerty giuen their assiduous attendance for the Dispatch of the most waightie buissines of the Plantations, when it was onely the worke of Societies nowe that therevnto there is adioyned the seruice of his most Excellent Ma^{tie} who neuer leaues vnrewarded those that labo^r for him, there wilbe I dare affirme a vertuous strife and emulacon amoungst vs who shalbe honoured with this imployment: These Officers should meete two Dayes in the weeke at least and oftner if neede be.

To all these Officers I would haue an oath giuen for that the importacon of Spanish Tobacco is ~~the~~ ¶a¶ mayne branch of the Contract, The Preamble may be altered so in fauo^r of the Aduenturer, that many men may be encouraged to subscribe who nowe forbear by reason of y^e hard condiçons proposed therein. [157]

To these may be added some Comittées at large and those of eminent quality and great aduenturers in one or both the Plantations to whome equall power and vote may be giuen with the other.

And in case that part of the Contract be punctually obserued that all the Tobacco to be sold in banke it wilbe necessarie to drawe a preamble to a second roll whereby the Brothers of the Companies may be admitted to subscribe what Somes ¶they¶ shall thereby be lymitted for the buyinge of the Tobacco w^{ch} poore Planters shall bringe into this Kingdome that they may not suffer by expectinge the sale of their goodē and attendance for money.

In this proposiçon of a certen Salary I rather giue waye to other mens opinions then follow myne owne iudgem^t for I determine not that this is the best course but propose it as a better then that y^e is already established for if it be possible to manage the buissines so, I could wish these pençons were changed into gratuities according to the merrit of euery mans endeauro^{rs} at y^e end of the yeare when the buissines is donn, and it plainly appeares y^e the proiect aunswers expectacon in point of profit: These two courses thus offered to the iudgem^t of the Court I humbly submitt to the censure of this Hono^{ble} Companie and if they be pleased to embrace either of them my desire is they will commend that course they best like to the Virginia Companie to be also approued by them.

M^r Binge presented a paper to his lp: as from m^r Wrote sayinge, it was the same that the other was onely it had some addiçons, w^{ch} m^r Wrote thought vpon the last night w^{ch} he praid might be read.

But the title of it beinge Obiections against the Salaries, it was resolved to goe on with the Proposition deliuered to the Su^mer Ilands Companie and desired to be reco^mended to the Virginia Companie and desired to be reco^mended to the Virginia Company, and by the Preparatiue Court, wherein it was read and ordered to be considered of at this daye w^{ch} was read all ouer together and afterward his lp: read the first Article w^{ch} was this followinge (vizt) ffirst the places of Director and Deputy shall absolutely be laid downe, and the Salary giuen to them shalbe wholly saued: The two Companies may supplie the place of Director in their extraordinary Courts called for that purpose.

Touchinge w^{ch} it was first thought fitt to consider whither this newe waye were a good waye or noe and whither it be better then the other waye.

S^r Robert Killigrew demaunded first, howe it was in other Companies it was generally acknowledged that all Iointe Stock^e whatsoeuer are managed by one cheife man and next vnder him some other in the nature of a Deputy as the Companie had already ordered and that the course propounded in the Article read was without all President: And it was declared howe that the Companie ioyninge in a Magazine together, w^{ch} did not exceed 7000^{li} in the vnderwritinge it was yet thought necessarie to choose a Directo^r for the managinge of it, and the like course was held in all manner of Iointe Stock^e whither for trade or Plantaçon beinge all co^mmitted to some one man as Directo^r or Gouverno^r, and therefore it was dangerous to followe a newe waye neuer before trodden.

Secondly it was obiected that the two Companies haue more buissines already then they can well pforme and therefore they would neuer be drawne together vpon such occasions so frequently as were necessarie. [158]

S^r Edward Sackuill said that it was a verie great indignity to impose it vpon the Lordē that were the Gouverno^{rs} to attend continually such buisnesses as the Directo^r and Deputy were to pforme.

As for m^r Deputy he protested that though he spent his whole time in the Companies buisnes yet he was not able to ouercome halfe that was to be donne for want of helpe, and declared howe that men were not able to be gotten together for the auditinge of the Companies Accountē and that wth them many other of the most waightie buisnesses of the Companie laye neglected: Wherefore it were to overthrowe all to put more vpon the Officers and Companie.

S^r Edwin Sandys said that in a Bodie consistinge of many Members w^{ch} must all concurr in one Accon there must be by necessity of nature & reason one head to containe and direct them vnto vnity that to make this one head to be two Courtē assembled vpon euery needfull occasion, was a thinge not onely repugnant to the¹ celerity of dispatch w^{ch} this buisnes would require but also of insupportable toyle both to the Gouverno^r Counsell and Companie.

It was also declared howe impossible it ~~was~~ would be to make any progresse in buisnesses in such a kinde of gouernment, where any one might vpon pretence of requiringe to haue his vnderstandinge satisfied in any pointe, call backe thingē concluded as was instanced to be donn in the Sumer Ilandē Companie where there hauinge passed a matter in two ordinary Courtē, and afterward much disputed in a Preparatiue Court and lastly concluded in y^e Quarter Court yet in an ordinary Court afterward one man because he was not present at the passages thereof he required to haue it all againe read and argued: And because the Court might be better informed concerninge this pointe the Lord Cauendish propounded that a writinge presented to the Counsell and Comīttees before they resoluēd of this Course might be read concerninge the office of the Director specified in that writinge, all w^{ch} good partē and sufficiencies although verie great the Court adiudged requisite in him that should haue the chiefe part in the managinge of this

¹ Written over "that."

buissines: And m^r Woodall said that except him, whome they had already chosen, he thought they would not finde a man that would be able to pforme it, but he hoped he would.

In the end after a longe disputaçon of this pointe his lp: put this Article to the question in this manner whither it were not impossible that the Courtē should pforme the buissines accordinge as [159] was propounded in that first Article, the whole Court by a generall erecōn of handē not one dissentinge confirmed it to be impossible.

Concerninge the second Article w^{ch} was as followeth (vizt)

There shalbe one sufficient marchant chosen Treasuror to whome the Companie may be pleased to giue 100^{li} salary.

ffirst it was obiected that the Salary of 100^{li} was so smale as there might almost be as much lost in tellinge of so much money w^{ch} in receauinge and payinge could not be lesse then 100000^{li} and that to giue a 100^{li} to a man of such sufficiency as that place required and that must vndergoe so great a charge as that was, and that must giue continuall attendance thereon, was an vnreasonable thinge nor would any man vndertake it except some that ment by ~~the~~ employinge of the money or otherwise to make some extraordinary benefitt.

It was also alledged that the East India Companie when their Stocke was but 100000^{li} p Anñm had giuen 300^{li} and sometimes 4 or 500^{li} to their Treasuror.

It was also declared that of necessity the Treasuror must engage himselfe for takinge vp of moneyes for the buissines especially for the payment of custome.

In the end after much debate and dispute of the matter, the Court generally agreed, that the reward of 100^{li} was nothinge proporēonable and seemed so sensible of the smalenes of the Salary and the greatnes of the charge and paines, as they generally declared themselues vnwillinge to accept of the seruice of any such as would for such a matter, vndertake it: wherevpon his lp: vpon that Proposiçōn made these two questions (vizt)

Whither the Companie do thinke 100^{li} p^a Añu a sufficient reward for a Treasurer that must vndertake this buissines it was by a generall erec^on of hand^e (saue 4:) thought vnsufficient.

Secondly it was put to the question whither the Companie would willingly comitt their Stocke to one that would accept of the office for 100^{li}: It was therevpon by a generall erec^on of hand^e denied. [160]

AT A COURT HELD FOR VIRGINIA ON
TUISDAY IN THE ~~FORE~~||AFTER||NOONE THE 4TH
OF ffEBRUARY 1622

PRESENT

Right Hono^{ble} Ea: of Southampton.
Lo: Cauendish.

S ^r Edw: Sackuill.	m ^r Mole.	m ^r Wheatly.
S ^r Io: Brooke.	m ^r Kightley.	m ^r ffelgate.
S ^r Edwin Sandys.	m ^r Io: Smith.	m ^r Seaward.
S ^r Io: Dauers.	m ^r Barbo ^r .	m ^r Mellinge.
S ^r Ro: Killigrew.	m ^r Caswell.	m ^r Cuffe.
S ^r Edw: Lawly.	m ^r Gookin.	m ^r Hackett.
S ^r Io: Seudamore.	m ^r Hobbs.	m ^r Barker.
The Deane of Paules.	m ^r Ditchfeild.	m ^r Webbe.
m ^r Nich ^o ffarrar Dpt.	m ^r Caninge.	m ^r Sheldon.
m ^r Io: ffarrar.	m ^r Moor.	m ^r Tho Waterhowse.
m ^r Gibbs.	m ^r Tomlins.	m ^r Edw: Waterhowse.
m ^r Binge.	m ^r Porter.	m ^r Nicholle.
m ^r Wilmer.	m ^r Downes.	m ^r Hart.
m ^r Wolstenholme.	m ^r Kirrell.	m ^r Elkington.
m ^r Bromefeild.	m ^r Meuerell.	m ^r Tatam.
m ^r Risely.	m ^r Bull.	m ^r Gold.
Capt Harvy.	m ^r Withers.	m ^r Sparrowe.
m ^r Edw: Iohnson.	m ^r Iadwin.	m ^r Ley.

Capt Bargraue.
m^r Bland.

m^r Ro: Smith.
m^r Wither.
m^r Sheppard.
m^r Widdowes.

m^r Robert^e.
m^r Woodall.
m^r Taylo^r.
m^r Addison.
m^r Wiseman.
with diuers others.

ffirst was read that w^{ch} had passed in the morninge w^{ch} beinge put to the question was by a generall erec^on of hand^e approued to be rightly sett downe accordinge to the sense, effect, meaninge, and conclusion.

M^r Binge moued to knowe why in settinge downe the proceeding^e of the morninge Court, the reasons onely of one part vizt: that w^{ch} the Court afterward^e concluded were sett downe and the Allega^ons on the contrary part o^mitted: Wherevnto answeare was made that it was needles to expresse those reasons and exceptions w^{ch} were disallowed: And it was by diuers worthie persons approued to be the custome of the howse of ~~Parliament~~ Parliament onely to record those mayne reasons that induced the conclusion and to o^mitt the rest as needles and fruitles.

The Ea: of Southampton said he would nowe proceed to the worke of this daye namely to examine the rest of the Articles of m^r Wrotes Proiect; Wherevpon the third Article was read w^{ch} was this that followe (vizt) Vnder him there may be placed a sufficient accountant that may be his Casheir to whome may be allowed 50^{li} or 40^{li} Salary. [161]

My Lo: of Southampton willed m^r Deputy to declare what the Companie had concluded in this pointe, who answered that they had had thought fitt there should be two Casheirs one continually to remaine in the Treasury for ||y^e|| receipt and payment of moneyes, and other continually to goe about to call and receaue such moneyes as daylie growe due.

S^r Edwin Sandys said he considered in this buissines a two fold Ac^on the one of receauinge the other of payinge and was of opinion that

these two would not coincidere: in regard that it would many times happen, that at the same instant there must be moneys receaved and paid to diuers psons.

M^r Wither said that he was of opinion that there must be added a Third Casheir in regard that there would be an infinity of Billē and specialities, receiptē and acquittances to be made w^{ch} would almost take vp one mans whole time.

And whereas it was alledged that the Treasuror might imploye his owne Servantē that was not adiudged reasonable to require it: And whereas it was said that this matter and other Offices would be pformed in great part for loue, and for the ~~part~~ publique benifitt,

S^r Edwa: Sackuill ~~said~~ ||replied|| that he had heard great and worthie Merchantē ingenuously protest that their end was their owne private profit and not the publique good w^{ch} did belonge to publique psons and not to private men.

M^r Io: Smith said that hauinge spent vpon Virginia a verie great matter, he did by Godē blessing hope to receaue this yeare, a good quantity of Tobacco w^{ch} he would not willingly haue come vnder the handē of them that would performe the buissines for loue and not vpon a good and competent Salary, and his opinion was, that the imployment of these ~~Salaries~~ Casheires would be so great as they should be enforced to keepe Servantē vnder them, for from them must come the Instrucōns to sue out Processe, Billē, Informaçōns, Declaraçōns. C^r.

Wherevpon it beinge put to the question whither they thought it possible that one Casheir cann pforme the buissines of this charge. It was passed by a generall erecōn of handē (saue onely one) that it was not possible: And beinge put to the question whither they held it necessarie to haue two Casheires it was generally agreed vnto. [162]

After this was read the 4th Proposition w^{ch} was as followeth (vizt) There may be ten Coūmittees, whereof fower to be chosen by the Suñer Ilands Companie of the number of their Assistants and six by the Virginia Companie to each Coūmittee 20th Salary may be allotted.

The Addiçon to the number of the Cõmittees was not disliked but for the Salary of 20^{li} to each it was adiudged much too litle: ffor whereas by the Proiect they were to meete at least two dayes in the weeke, S^r Edward Sackuill said that that was but 11 grotes a daye, but he was of opinion that they should be enforced to meete so often as perhapps it would not come to 12^d a daye.

It was also said that men beinge in Trade whither Marchaunt℥ or Shoppekeepers could not spend so much time for so litle but very much to the preiudice and neglect of their estate; w^{ch} when they should pceaue although they might phapps at first beginn out of the abundance of conscience yet that would quickly faile and thinkinge themselues bound by a great bond of conscience to provide for their owne charge will either negligently followe the buissines or el℥ phapps seeke some indirect courses to satisfie themselues to the full of their paines and labo^r, w^{ch} reasons and diuers others beinge well considered of his lp: at length put it to the question whither the Companie did thinke Ten Cõmittees so salariated as in the Article is sett downe, would suffice to doe the buissines to the content of the Companie, it was by a generall erecçon of hand℥ (onely two dissentinge) denied and disliked.

§It was also put to the question whither they had rather haue 8: Cõmittees with 50^{li} a peece as was formerly ordered it was generally agreed. §

After this was read the fifte Article w^{ch} is as followeth (vizt:) There may six gentlemen be chosen indifferently out of both Companies w^{ch} may be in quality of Assistants to the Treasurer to whome no Sallary shalbe allotted, but in case the buisines proues by their industrie and good carriage profittable the Companie may with some smale gratuity testifie their good acceptance of their endeauo^{rs} and also cõmend them further to the Lord Treasurer of whome it may be hoped that he wilbe pleased to consent to giue such a moderate giift.

Against this Proposition was obiected that instead of one Directo^r there were six sett vp, w^{ch} kinde of forme would breed both infinite

confusion in Counsellē and determinācons and delay in execucon of matters. [163]

It was also said that the mayne part and substance of the buissines consisted in matter of proffitt and tradinge: In w^{ch} thingē Gentlemen beinge not expert, it was not conceaued, howe §they§ by their industrie and good carriage should so much aduance the buissines.

It was also generally conceaued that the gentleṃ beinge of worth and giuinge continuall attendance, the gratuity menconed could not be lesse then 100^{li} a man whereby the charge would be much encreased.

In the end his lp: put the Article to the question and by a generall ereccon of handē it was disliked.

After this was read the 6: Article w^{ch} is as followeth, to the Bookeeper there may be allowed 60^{li} per Añu, to the Beadle 15^{li} per Añu, To the Husband 15^{li} per Añu.

The abatement of allowance for the Bookeeper and Beadle were disliked, And for the matter of the Husband who must be a man of credit and worth beinge to haue vnder his hand the whole Stocke and bound to giue continuall attendance, the allowance of 15^{li} was adiudged that he must giue a Servant vnder him more Wherefore the Article beinge put to the question it was by a generall ereccon of handē disliked, and on the contrary the Salaries proporconed by the Companies well liked and approued.

After this was read the 7th Article vizt To a Clarke for to waite wholly vpon that buissines 30^{li}.

And it was generally adiudged that it was impossible that one Clarke should suffice, and m^r Deputy said that although the Secretary kept two men vnder him, yet he was not able so to ouercome the buissines of the Companie as that he might haue his attendance for the dispatch of buissines, Wherefore m^r Deputy said he was forced as diuers of the Companie well knewe to keepe a Clarke at his owne charge; and for

this buissines he said according to his vnderstandinge there would arise an infinite deale of writinge to him that had the Deputies place.

In the end the Article beinge put to the question to haue on Clarke was by generall erec̃on of hande disliked.

After this was read the 8: Article w^{ch} followeth (vizt) ffor a house wherein no man that hath a family should dwell but the Howskeeper 60^{li} p Añu or at most 80^{li} sufficient Warehowse comprized therein: w^{ch} beinge put to the question it was [164] by a generall erec̃on of hande thought impossible that 80^{li} a yeare should procure a fitt howse and sufficient Warehowse roome instance beinge made in the howse wherein the Courte at present are kept, for w^{ch} hath bin offered 100^{li} p Añu. and yet it is not capeable enough for the Companies vse for Courte: And as for Warehowse roome it was by diuers affirmed that 60^{li} p Añu more then belonge to the said howse would not suffice: Wherevpon the Article being put to the question was by a generall erec̃on of hande disliked.

After this was read the 9th Article vizt To the Solicitor accordinge to the discretion of the Assistants and Cõmittees w^{ch} beinge put to the question was by a generall erec̃on of hande disliked.

After this was read these words followinge The whole charge of officers howse and Comittees will not amount to 600^{li} at the Vttermost for Sallary and hows-rent so in this alone there is saued aboue 1200^{li} p Añu Concerning w^{ch} the Court declared their minde that they made no question of his Ma^{ty} Royall disposition in rewardinge of all that did him seruice but since by his Ma^{ty} royall grace and the Lord Treasurers Noble fauo^r, the appointinge of Salaries and recompencing of Officers that should take paines was left to the Companies owne iudgement, they were desirous to make vse of it without touching his Ma^{ty} or the Lord Treasurer and so this Article beinge put to the question it was by erec̃on of hande disliked.

After this was read these wordē: to all these officers I would haue an oath giuen: To w^{ch} answeare was made, that was ordered by the

Companie in the Quarter Court, and the extraordinary Co^mittee beinge the ~~Lord~~

Lo: ~~Caendish~~ Padgett .	m ^r Gibbs.
Lo: Maynard.	m ^r Wrote.
S ^r Edw: Sackuill.	m ^r Io: Smith.
S ^r Io: Brooke.	m ^r Robt: Smith.
S ^r Io: Dāuers.	
S ^r Hen: Mildmay.	

desired to take it into their considera^on together with m^r Deputy.

After this was read these word^e vizt And for that the importation of Spanish Tobacco is a mayne Branch of the Contract the Pra^eamble may be altered so in fauo^r of the Aduenturers that many men may be encouraged to subscribe who nowe [165] forbear^e by reason of the heard condi^ons proposed therein: Wherevpon m^r Wilmott declared 3 exceptions that hindred him from writinge to the Roll, ffirst in that he did not conceaue that the bringinge in of the whole quantitie was certainly assured to the Aduenturers but onely the 40000 waight.

And further that the bringinge in of the 40000 wth was strictly tied to one yeares Terme and so the Aduenturers had not the same liberty as was by the Contract graunted to the Companie.

Thirdly he desired that if the Companie would beare a part, they would giue better security then their Seale.

M^r Mole also said that he conceaued that the matter of fower Shares and the lending^e of the Companie a Tenth part hindred many Aduenturers: Herevpon the Roll was read and for m^r Wilmotts doubt^e it appeared plainely, that the Vndertakers of the first 40000 waight, if they would they might bringe in the rest excludinge all others and if not they might leaue it w^{ch} was conceaued a verie advantageable pointe vnto them.

ffor the second it was declared that the Companies intent was to graunt these vndertakers as much liberty as themselues had and so it was in the begiⁿinge plainely expressed where it is said that they

shall bringe in this yeare 40000 weight, if conveniently they may, and if they cannot bringe in the whole conveniently then as much thereof as they can conveniently.

ffor m^r Moles Obiecōns it was aunsweared that if he could certainly saye that any considerable Soñe would be brought in, if that clause of buyinge fower Shares were remitted the Companie would consider of it, but otherwise without aduantage to alter it were but to shewe vnconstancy, and as for lendinge the Companies a Tenth part of the Stocke brought in since by other meanes, the Companie could not beare a part, the Aduenturers that had already vnderwritten had desired that clause, and without the Companies beare a part wth them they would withdrawe the Soñes they had vnderwritten, w^{ch} diuers of them beinge present confirmed.

After this the Article of the Roll was put to the question, that excepted that was before, It was by erecōn of hand℥ generally disliked. [166]

After this the next Article w^{ch} followeth, To these may be added some Comittees at large and those of eminent quality and great Adventurers in one or both the Plantations to whome equall power and vote may be giuen with the other w^{ch} beinge read it was put to the question whither the Companie did like of that Article that superinduce y^e Third order of the Coñmittee: The affirmatiue had no hand℥ the Negatiue all.

The Court ordered to continue duringe pleasure.

After this the Lord Cauendish takinge the Chaire and begininge a Suñer Ilands Court proposed vnto the Court all those seuerall Articles w^{ch} had bin pticularly examined and passed in the Virginia Court, and at the desire of the Court put them all to the question, the said Companie ratifyinge and confirming whatsoeuer the Virginia Companie had donn.¹

The Suñer Iland℥ Court is likewise ordered to continue duringe pleasure.

¹ Rough notes concerning these affairs are referred to in List of Records, No. 404, Vol. I, page 164, *ante*.

After this the Ea: of Southampton takinge againe the chaire read the next Article w^{ch} is as followeth And in case that part of the Contract be punctually obserued, that all the Tobacco be sold in Bancke, it wilbe necessary to drawe a Preamble to a second Roll whereby the Brothers of the Company may be admitted to subscribe what somes shall thereby be limited for the buyinge of the Tobacco w^{ch} poore Planters shall bringe into into this Kingdome, that they may not suffer by expectinge the sale of their goodē and attendance for money: w^{ch} S^r Edwin Sandys said the Counsell and Co^mmittees had taken that point often into their considera^on, and they conceaued it would not be donn but by Roll, but they had determined nothinge therein, but would with all seriousnes and ~~were considered~~ ||care consider|| what course was to be held for the best aduantage and content of the Planter.

After this was read the last part of m^r Wrotes Proiect w^{ch} followeth, I could wish these pentions were changed into gratuities accordinge to the merrit of euery mans endeauro^{rs} at the end of the yeare when the buissines is donn, and it plainely appeares that the Proiect aunswear^s expectation in pointe of proffitt: The course therein propounded for gratuities was vtterly disliked it beinge contrary to the Contract with his Ma^{tie} wherein it was agreed that the Officers should be rewarded by Salaries. [167]

And herevpon S^r Edwin Sandys tooke occasion to acquainte the Court howe by the Contract his Ma^{tie} is to receaue his part at our lady day and Michalmas accordinge to the propor^ons that shalbe then receaued.

Wherevpon there was a necessity of settinge downe the Salaries at the begininge for if they should be deferred till the later end all the charges would lye vpon the Tobacco that comes home last and the Sumer Ilands w^{ch} comes at the begininge of the yeare would passe free.

S^r Edw: Sackuill said that seinge Salaries that haue bin so much talked of, continue but for one yeare and then both Salaries and Officers are newe to be chosen, he could not see what great inconveniēces can followe the graunt if the worst fall out.

But m^r Moorer said the Salaries were dissorderly carried because the Salaries were first proposed and passed and afterwardē the men chosen

vnto them: But to this S^r Edward Sackuill replied that that shewed the contrary that they were fairely carried, for had the men bin first chosen, it might haue bin obiected that the Salaries were made the larger in fauo^r of the p^{rs}ons, but it being first passed before these p^{rs}ons were knowne, it was meerey in contempla^on of the paines and charge of the Office w^{ch} opinion the whole Court generally assented vnto.

My Lo: of Souththon put it to the question whither they did concurr with m^r Wrotes wish in this last part of his Proiect, the affirmatiue had no hand^e, the Negatiue had all.

M^r Rider moued that some speedie order might be taken for ready Sale of the poore Planters Tobacco: But he was aunsweared that no certaine order could as yet be made therein, but the Counsell and Co^mittees would take it into their care and himselfe and all others were desired to consider what course they could finde.

The Ea: of Southampton said that whereas m^r Wrote brought a Proiect vnto the Court with an opinion of proposinge a better and thriftier waye for managinge the Tobacco: The Companie hauinge this day exactly examined by parts in euery perticuler haue with a generall consent dissallowed of them, saue onely in that clause that agrees with the former order. [168]

After this the pap presented by m^r Binge in morninge on m^r Wrots behalfe titled obiections against the salaries were read w^{ch} beinge put to the question by the Ea: of Southampton whither the Companie did thinke them worthie of further considera^on the affirmatiue had no hand^e the Negatiue ~~had all the hand^e~~, The Coppie of w^{ch} writinge doth here ensue.

Obiections agaynst
the Sallarys.

Obiections agaynst the Sallaries

1 ob: It is agaynst the Honour and Faith of y^e Companie to lay an imposi^on vpon y^e good^e of the Plant^{rs} without their consent first had nor yet vpon intent^e of the Aduenturers they both hauinge the Seale of y^e Companie to assure them they would lay no other charge then the Statut^e layes vpon them and if the Companie break^e their Contracts solely made no man will deale with them hereafter.

2 ob: It is dangerous also in example for the Companie that this yeare layes thus much, may the next yeare lay fower times as much for a breach beinge made by y^e Companie into the priuiledges graunted by its selfe they may after raise the charge to what pporcion they please, and there is reason so to cenceaue for there is a booke comended by ~~y^e Comended by~~ y^e Companie to the Plantation w^{ch} constitutē 7 correspondinge Comittees vizt of censure Defence health Sustenance Trade &c w^{ch} are to be brought into vse between y^e Company and Colony and if euery of these Comittees should haue in generall 2500^{li} pencon the charge would amount to neare 18000^{li} yearly and if this proue a president y^e a branch one of y^e heads as this of Trade for a Comodity that is esteemed a vanity shall haue such a salary for y^e managinge of it, if wee goe on proportionably for ~~each~~ euery|| branch of Trade onely it will eat out the Stocke of the Aduenturer and if accordinge to this head wee proportion the rest the Indies or y^e Revenues of the great Turke or Emperor of China will not suffice to manage the buissines of the Plantacon.

3: ob: It is not agreeable to equitie that seeinge wee haue made a lawe That the Companie here shall not be charged with y^e ~~want of~~ mayntenance of Officers in Virginia wee should lay a charge vpon the goodes of y^e Planter to mayntaine our Officers here.

4: ob: This exorbitancy of Salary shuttē the gate to all benevolences of y^e Citty or other charity of priuate persons w^{ch} haue much heretofore aduanced y^e Plantation and was likely daylie to encrease, for who will giue to vs that are thus profuse to others, and this hath already changed the pious intençons of some good men.

5: ob: Seeinge these Officers and Comittees neither take care for bringinge home goodē from Virginia nor the Sumier Ilands nor for sendinge marchandize thither by any ioynt Stocke all w^{ch} is donne by the labo^r of the Planter and the care of the Aduenturer, for w^{ch} he is to paye factorage it is not agreeable to reason that onely for ceasinge and sellinge of a mans goodē (perhapps against his will) he should paye such a Sallary before he knowe whither he shall gaine or loose by their sale of his goodē.

6: ob: It will ruine the Contract it selfe for this encrease of charge will make it altogether vnsupportable so that the Marchaunt will haue no medium whereby to be invited to send goodē thither to buye the Tobacco of the Planter, and the Planter will seeke forraigne marketts for his Comodity w^{ch} in time will produce an indepenēcy dence vpon this Kingdome mutuall comerce beinge the strongest bond y^e will vnite Virginia to this State.

§7: ob: It is not vsuall to giue gratuities before the worke donn so that this hastie conclusion of the Salarie seemes to be therefore sodainely donn because that it might be deliuered vp together with the Contract that the one might passe the other and this in substance hath bin alledged for a mayne reason. §

8: ob: It was concluded in Court that had no power to giue the same as by the 99 lawe. If any ||man|| moue ~~from~~ ||for|| any charge ~~from any charge~~ by waye of guifte in what sort soeuer it shalbe first referred to a select Committee, and if the charge fall out to be vnder 30^{li} it may be ordered by the next Court if aboute it shalbe referred till the next Quarter Court, and this beinge no Quarter Court for Virginia but a Deriuatiue Court, the guifte is voide in it selfe for the Quarter Court cannot deriue its power to another Court saue ~~only~~ in case of invincible necessitie or evident vtility ~~for~~ ||so|| this Act bindē not the Companie, for neither of both these appeare in this exorbitant Salary but all the contrary, So that the lawe standinge in force the last Quarter Court no act donne in a Deriuatiue Court can dispence therewith.

9: ob: The greatnes of the Salary will make men desirous of y^e employment and so great discontent will arise in the Companie while those nowe employed will endeauor to retaine their places and others will practise to supplant them that they may succeed them, envy and couetousnes herein concurring will raise factiōns amongst vs and those if they be not timely ~~and~~ and in their infancy appeased will distract vs all.

10: ob: Seeinge this Contract was proposed first by some of those that haue y^e greatest Salary it wilbe in reason expected that they giue life and beinge to their infant and foster it for one yeare for Charity or at least change their Salary in certainty to a gratuity in expectancy in case the buissines proue profitable and the proiect aunswere the expectaçon of his most Excellent Ma^{ty} and the hope conceaued ||and|| By ||then¹|| them ||instilled|| into the Companies brestē by w^{ch} noble course they shall stoppe the mouth of clamorous people who mutter between the teeth that the Salary was first in their intençon though last in proposiçon, and the buissines will no Doubt be vndertaken and performed for one yeare and² more rather then the Contract should fall by some gentlemen and Cittizens well affected to y^e Plantation if the nowe Vndertakers relinquish the worke because their Salary is moderated or revoked yet it is hoped they will not fall from their auncient ||and|| accustomed goodnes by refusinge to do this worke of Charity for conscience sake in either case in the ordinary esteeme of men some blemish will light vpon them for their refusall. [169]

||It is desired that this buissines of the Salary passe its triall by the ballating box and that no salariated man though he hath giuen vp his pençon be admitted to haue vote herein.||³

The errors of my Proiect I confesse are many, I ame not so in loue with my Brayn yet ~~but~~ but ame contented it should be vilified and made an expositions ~~and~~ ||I|| made no reply therefore yesterday to avoide contestaçon,

¹Erroneous interlineation by the reviewer.

²Written over the word "or" by the reviewer.

³This paragraph was inserted. It is in the autograph of Edward Collingwood, the reviewer.

This is all I nowe saye the errors of too smale exhibition in one or two officers may be amended and neede no exact research in the whole, if 20th p Añu be too litle for a Committee it may be encreased to 30th and onely eight Committees may manage the buissines, if a greater Salary would binde the conscience I would yeeld to it, but if conscience and honestie binde not neither will Salary: The same men that wthout Salary are said to haue vndonn the Plantation would scarcely haue bin honeste for a pençon, I intended it a Burthen to euery officer saue such as be seruante because the imployment should not be desired but imposed In fine if wee hope his Ma^{tie} should for his interest protect vs, wee must make as fewe Defalkacons as may be and in my iudgement in a Doubtfull buissines whither it wilbe proffitt or losse wee should be moderate in layinge burdens vpon that is already fully laden for if the proiect proue of it selfe insupportable wth what argument should ~~all~~ we be able to moue his most excellent Ma^{tie} to releiue vs, and if by this encrease of charge it proue insupportable the blame wilbe imputed to our selues that by addinge waight to waight crush the Contract.

ffor aunsweare to one Obieccon, that where none is supream the parity will produce confusion I say the Treasurer shall in quality of President moderate the buissines and assemble the Committee. It is desired that this buissines of the Salary passe its tryall by the ballatinge box and that no salaried man though he hath giuen vp his pençon be admitted to haue vote herein.

Vpon the mocon of the Lord Cauendish a Committee is appointed and ordered to meete to morrowe morninge to read and examine whither the Patent^l ordered to be drawne vp be so donn in the vsuall forme.

Ea: of Southampton passed two Shares to m^r George Garrett.

M^r Iohn ffarrar passed ouer one Share to m^r Robert Harley.

M^r Iohn ffarrar passed one share to Elias Southerton.

The Lord Cauendish mouinge that whereas m^r Deputy stande charged by m^r Wrote with an accusacon of false entringe a Court the 7^o of October last that the same might be examined, and accordingly the Court declare their opinions therevpon, but it was thought fitt to be donn ~~at the~~ by all Quarter Court, wherevnto the Accuser hath appealed.

The Virginia Court beinge ended and the Lord Cauendish takinge againe the Chaire proposed vnto the Sumner Iland^l Companie whither they did concurr in opinion with the Companie of Virginia touchinge

m^r Wrote obieccōns against the Salaries It was therevpon generally acknowledged by the whole Court that they did vtterly dislike it.

And it beinge also moued, that whereas m^r Io: ffarrar stande accused by m^r Wrote of seuerall pretended matters touchinge orders of Courte [170] m^r Deputy might likewise come to his hearinge and tryall the next Quarter Court for the Sum̄er Ilande: The moōon was held so iust and reasonable as the Court could not deny it him.

AT A GREAT AND GENERALL
QUARTER COURT HOLDEN FOR VIRGINIA
ON WEDENSDAY THE 5^o FEBRUARY 1622

PRESENT

Right Hono^{ble} Ea: of Southampton.

Ea of Warwicke.

Lo: S^t Iohn.

Lo: Cauendish.

Lo: Lawarr.

Lo: Dāuers.

S^r Edw: Sackuill.

S^r ffran: Leigh.

S^r Io: Ogle.

S^r Nicho: Tufton.

S^r Phil: Carey.

S^r Ro: Killigrew.

S^r Hen: Mildmay.

S^r Sam: Sandys.

S^r Edwin Sandys

S^r Io: Dauers.

S^r Iohn Trevor.

S^r Hen: Maynwaringe.

S^r Edwin Sandys Iuñ.

S^r Tho: Wroth.

S^r Edw: Lawly.

S^r ffran: Kenastone.

S^r Lawrence Hyde.

S^r Humfrey Handford.

S^r Roger Twisden.

S^r Io: Skudamore.

Do^r Dun: Deane of Paules. m^r Masterson.

m^r Nicho: ffarrar Dept.

m^r Garrett.

m^r Addison.

m^r Collett.

m^r Bull.

m^r Darnelly.

m^r Lawrence.

m ^r Gibbs.	Capt: Gifford.	m ^r Lambe.
Aldran Iohnson.	m ^r Edw: Palmer.	m ^r Swinhowe.
m ^r Brooke.	m ^r Shippard.	m ^r Moorer.
m ^r Herbert.	m ^r Mole.	m ^r Leuer.
m ^r Iackeson.	m ^r Morden.	m ^r Couell.
m ^r Bond.	m ^r Copeland.	m ^r Wiseman.
m ^r Wheatley.	m ^r Balmeford.	m ^r Kightley.
m ^r Chetley.	m ^r Berblocke.	m ^r Parkhurst.
m ^r Ed: Iohnson.	m ^r Lathum.	m ^r Dike.
Do ^r Meddus.	m ^r Hobbs.	m ^r Edward ^e .
Do ^r Anthony.	m ^r White.	m ^r Penistone.
m ^r Io: ffarrar.	m ^r ffreake.	m ^r Viner.
m ^r Bromfeild.	Capt: Harvy.	m ^r Scott.
m ^r Risly.	m ^r Harvy.	m ^r Nicholle.
m ^r Tomlins.	m ^r Io Porter.	m ^r Seward.
m ^r Steward.	m ^r Ro: Smith.	m ^r Bolton.
m ^r Io: Smith.	m ^r Barkham.	m ^r Grace.
m ^r Binge.	m ^r W ^m Iohnson.	m ^r Palmer.
m ^r Io: Wolstenholme.	m ^r Etheridge.	m ^r Robbins.
m ^r Wilmer.	m ^r D'Lawne.	m ^r Robert ^e .
m ^r Edw: Paulavicine.	m ^r Whitley.	m ^r Bagwell.
m ^r Edw: Gibbs.	m ^r Bland.	m ^r Edw: Bennett.
m ^r Thomas Gibbs.	m ^r Abdy.	m ^r Rich: Bennett. [171]
m ^r Tucker.	m ^r Dawes.	m ^r Arthur Swayne.
m ^r Rogers.	m ^r Barbo ^r .	m ^r ffran: Waterhowse.
m ^r Winne.	m ^r Budge.	m ^r Tho: Waterhowse.
m ^r Caswell.	m ^r Mellinge.	m ^r Elkington.
m ^r Diaper.	m ^r Cuffe.	m ^r Lake.
m ^r Iadwin.	m ^r Bowater.	m ^r Gold.
m ^r Witherall.	m ^r Caninge.	m ^r Barker.
m ^r Boothby.	m ^r Langly.	m ^r Sparrowe.
m ^r Tomlins.	m ^r Shipton.	m ^r Norwood.
m ^r Clarke.	m ^r Widdowes.	m ^r Woodnorth.
m ^r Biddolph.	m ^r Eldred.	m ^r Webbe.
m ^r Meuerell.	Capt: Rossingham.	m ^r Hackett.
m ^r Stone.	m ^r Storey.	m ^r Ley.

m ^r Moorewood.	m ^r Moore.	m ^r Harrison.
m ^r Peake.	m ^r Towler.	m ^r Careles.
m ^r Christo: Martin.	m ^r Hitch.	m ^r Peirse.
m ^r Tho: Martin.	m ^r Kirby.	m ^r Procter.
m ^r Colet.	m ^r Neuill.	m ^r Sheldon.
m ^r Hurd.	m ^r Kirrell.	m ^r Ed: Waterhowse.
	m ^r Ewens.	m ^r Phesie.
		m ^r ffoxten.
		m ^r Taylo ^r w th diuers
		others.

Of the Sumer Iland^e Company vizt

the Right Hono^{ble} Ea: of Southampton.
 Ea of Warwicke.
 Lo: Cauendish.

S ^r Edward Sackuill.	S ^r Iohn Dāuers.
S ^r Sam: Sandys.	S ^r Tho: Wroth.
S ^r Edwin Sandys.	S ^r Lawrence Hide.

m ^r Io: ffarrar.	m ^r Whitly.	m ^r Palmer.
Alder Iohnson.	m ^r Abdy.	m ^r Robert ^e .
m ^r Gibbs.	m ^r Barbo ^r .	m ^r Bagwell.
m ^r Nich ^o ffarrar.	m ^r Swinhow.	m ^r Bennett.
m ^r Bromefeild.	m ^r Moorer.	m ^r Caswell.
m ^r Tomlins.	m ^r Couell.	m ^r Rogers.
m ^r Gifford.	m ^r Wiseman.	m ^r Iadwin.
m ^r Shippard.	m ^r Kightly.	m ^r Meuerell.
m ^r Berblocke.	m ^r Dike.	m ^r Mellinge.
m ^r Hobbs.	m ^r Edward ^e .	m ^r Cuffe.
m ^r Ro: Smith.	m ^r Penistone.	m ^r Caninge.
m ^r Etheridge.	m ^r Scott.	m ^r Sparrowe.
m ^r D'Lawne.	m ^r Nicholl ^e .	m ^r Webbe.
		m ^r Hackett.
		m ^r Leye w th diuers
		others.

At this great and generall Court was first read the last Quarter Court held the Twentieth of Nouember ||last past|| w^{ch} donn the Ea: of Southampton said that for the better informaçon of this great Court he thought it fitt that the whole proceedinge of the Companie touchinge the Offices and Salaries and other pticulers w^{ch} of late haue bin so much questioned and defamed should be ~~defamed~~ declared and manifested by readinge of those senerall Courtē wherein those pointē were treated of, and desired the Companie to giue due attention both to the reasons themselues, and to the manner of those proceedinge [172] Wherevpon was first read the Virginia Court held vpon the Suñer Ilandē Præparatiue Court day beinge the 22th of Nouember and after that was read the Virginia Court held on the Suñer Ilands Quarter Court daye, beinge the 27th of Nouember w^{ch} beinge donn, his lp: willed to respite the Court held the 4th of December (wherein m^r Wrote with such violence burst out) to be read last; and so the Court held the 29th of Ianuary was read; and after that the Court held on the ffriday followinge purposely for the reveiwe and examinaçon of the Court held the 4th of December; against the settinge ||downe|| whereof m^r Wrote had somewhat excepted: After that was read the Court held on Monday morninge the Third of ffebruary and after that, the Court held that day in the Afternoone beinge the Præparatiue Court: Next cominge to the Courtē held on Tuesday beinge the 4th of ffebrua: w^{ch} were held both forenoone and Afternoone and were onely for the consideringe and iudginge of the newe Proiect presented by m^r Wrote, his lp againe desired their diligent attençon that they might thereby be fully informed of the weakenes of m^r Wrotes Proiect and howe substantiall the reasons and argumentē were, for w^{ch} the Companie thought fitt vtterly to reiect it: Last of all was read the Court held the 4th of December, beinge pfected by the Court held on ffriday the last of Ianuary, In the readinge whereof cominge to that Clause where m^r Wrote replied he spake not against the Contract but meant only touchinge the Salaries, w^{ch} buissines he said was not comitted but carried fowly and disorderly and with much art, surreptitiously, and to private ends And that divers of the Companie did both then and since aswell publiquely as priuately in his hearinge com-

plaine much against it but durst not speake their minds freely, because they were ouerawed: His lp willed that the word℥ might be read ouer againe w^{ch} be||ing|| distinctly donn, he said that although he was absent at the begiñinge of the Præparatiue Court yet hauinge heard it read, that S^r Hen: Mildmay (amongst other thing℥) did then deliuer that his ma^{ts} pleasure was, that men should haue free liberty of speach, and that he intimated that his Ma^{tie} had bin informed that they were ouerawed and durst not speake in these Court℥, his lp: said it seemed verie strange vnto him yet because S^r Henry Mildmay had said it, he did beleieue it, but he must withall beleieue that it was through a great deale of misinformaçon and ||wondred|| that there should any man be found so shameles to informe a Kinge of so falce a thinge and therevpon appealed to the Court to beare wittnesse in this pointe whither they were ouerawed and durst not speake and whither they had [173] not so much freedome as themselues desired: The Court with a generall voice and vnanimous consent professed that it was a false and vniust imputaçon, that they were ouerawed and durst not speake, and acknowledged to ||haue|| enioyed such freedome and liberty of speach as was in no other Companie permitted and diuers said, that if men should vse but halfe the liberty of speach in perticuler Companies of this Citty or demeane themselues with that vnorderlines that diuers Brothers vsed in these Court℥ it would not be endured, but that they should be either punished in the purse or sent to the Counters.

And because it grewe late and much buissines behinde, his lp: put to the question the continuance of the Court vntill the buissines necessary for that day might be dispatched

And whereas also by order of the former Court there had bin warned ~~in~~ a Sum̄er Iland℥ Court to ioyne with the Virginia in such point℥ as should mutually concerne them both the Lord Cauendish propounded the begininge of that Court and the continuance of it so longe after six of the Clocke as need should require both w^{ch} were ordered by the Sum̄er Iland℥ Companie.

These thing℥ beinge thus passed the Court held the 4th of December was read out, W^{ch} beinge donn the Ea: of Southampton said that the

report of these great distempers and indiscrecons of m^r Wrote related in that Court caused him immediately after to come vp out of the Country to provide timely a remedie against the inconveniences that would followe vpon this distemper and to that purpose assembled the Counsell whither m^r Wrote himselfe was warned, with whome he intended to proceed in all gentle and faire manner, such as might best bringe him to the acknowledgement of his erro^r and to the reducinge of him againe into the right waye: what the effectē thereof were, and howe m^r Wrote behaued himselfe to the doublinge of his offence, his lp: said, the Act of Counsell would declare w^{ch} he willed to be read, w^{ch} was accordingly donne: And after some pause, his lp: demaunded whither m^r Wrote was in the Court, sayinge he did expect him there either to avouch or aproue the thingē that he had spokē & donne or elē to retract them, but m^r Wrote appeared not.

¶ And S^r Samuell Sandys said that a litle before as he was cominge to the Court he mett m^r Wrott cominge from the Court, and askinge him whither he went m^r Wrote said he was verie ill at ease and could not staye. [174]

The Lo Cauendish said that he remembred that m^r Wrote had on the Monday appealed vnto the Kinge and to such Deligatē as his Ma^{ty} should appointe, and supposed that he did persist in that resolucon and therefore seemed to require the iudgement of those learned gentlemen that professed the studie of the lawe what in this case was to be donn.

Wherevnto m^r Brooke made aunswear, that m^r Wrote hauinge appealed, if either by sufficient testimony of any present, or by other good evidence it could be made appeare vnto the Court, that his Ma^{ty} hath accepted of that appeale, then the Court was bound without any farther meddling in the buissines to reserue the matter entire to his Ma^{ty}s pleasure from whome they deriued all the power and authority they haue. But seeinge neither m^r Wrote himselfe appeared nor any other signified any such thinge, he did not conceaue that the Companie was any waye debarred by his pretended appeale (w^{ch} beinge

not accepted was as nothinge) from proceedinge in a due and legall manner accordinge to the power graunted vnto them by his Ma^{tie} Letters Patent^e w^{ch} opinion was generally confirmed, and therevpon the Court desired that m^r Wrote buissines might be handled.

S^r Edwin Sandys tooke occasion to declare that as in many things he did much differ in opinion from m^r Wrote, so in nothinge more then in the State of this buissines, ffor he was farr from conceauinge that m^r Wrote was accused & prosecuted, but contrariwise thought it verie apparant that he was the persecutor and Accuser: Hee had accused the principall managers of this Contract with his Ma^{tie} of Arte and priuate end^e, the Co^mmittees he had blamed for disorder and negligence, the Counsell he had traduced for improuidence and indiscre^{ti}on, the Court^e for vsurpinge an vnlawfull power, our Noble Gouverno^r for ouerawinge the Court^e, in So^me the whole proceeding^e in this buissines he had condemned for foule disorderly and surreptitious; where by the waye to cleere the question whither the Quarter Court should transmitt a Derivative power to another Court, he said, that true it is, that there are some things by the Letters Patents absolutely lymitted to a Quarter Co^rt w^{ch} cannot be transferred to any other as the disposinge of land^e, the makinge of lawes, the choise of principall Officers with some other matters of like important quality, wherein the power of a Quarter Court cannot be deriued to any other Court but for the settlinge of those smale differences then dependinge between the Lord Treasuror and the Companie the Quarter Court might [175] transmitt the power thereof to another Court w^{ch} in fine wrought no other effect then this, then that the Act^e of that Court ||should be of that authority|| as not to be reversed by any other then a Quarter Court: The proceeding^e and resolu^{ti}ons of w^{ch} Court: m^r Wrote hauinge questioned with so great acerbity of speach as also the Act^e of the Counsell and Co^mmittees together with the demeano^r of his lp: and other psons of qualitie it could not be otherwise conceaued then to be a direct Accusa^{ti}on and consequently that m^r Wrote bare the part of the Accuser, And therefore for him to appeale from his owne Accusa^{ti}on was somewhat a strange course and before not heard of, seeinge no Appeale could be but a Gravamine for as for his suspen^{ti}on he said

it was only for his contempt toward^e the Counsell and noe other misdeameno^r so that he hath not bin psequuted thereby, (as he complaines) but hath bitterly and vniustly persecuted others, for if his Accusa^on haue bin iust and well grounded why doth he forsake it nowe the daye of Tryall is come, the daye of that Court to w^{ch} himselfe appealed, the psons by him accused stand here in the face of the Court, submittinge themselues to the Tryall by him desired, they expect their Accuser, hauinge hoped that he would haue come in like a braue gentleman and iustified those ~~false~~ §foule§ asper^ons wherewith he had charged them, but Innocency and Trueth he said, were hold and settled whereas calumnies and vntruthes were fearefull and fugitiue.

Hee further said that of all his calumnies and Accusa^ons there was none more vniust, nor more apparantly vntrue then that wherewith he had charged (though not by name yet by necessarie inference) my Lo: of Southampton himselfe, namely that the Companie were so ouerawed that their liberty of speakeinge was taken awaye from them, nowe what mischief^e haue ensued herevpon euery man might apprehend, for it appeared by S^r Henry Mildmayes speech, that his Ma^{ty} eares haue bin possessed therewith, euen as m^r Wrote with his frend^e and familiar hath filled all part^e of the Citty and Country with like causeles clamors and brought great scandall vpon the Companie, w^{ch} wrong^e so great, so vniust and so pnitious, if they should be suffered to continue and proceed wthout repressinge them, he sawe not but the whole gouernment of the Companie must withall dissolue and fall into extreame scorne, contempt, and confusion.

The Ea: of Southampton said that he could not without some pittie thinke on the extreame trouble and vexa^on that one mans vnruelines in his speech, and disorderly carriage had brought vpon the whole [176] Companie, hauinge forced them to keepe so many Court^e daye after daye, and that of so longe continuance and vnseasonablenes as good part^e of the night^e haue bin taken vp by them and that not about matters of waight neither in his cause but onely for y^e satisfyinge of his ~~frivolous~~ friuolous exceptions and cauell^e and debatinge and

answearinge of his impertinent and absurd Propositions Wherefore he supposed the Court should do verie well by a iust censure of so many enormities and excesses to preuent the like occasion of misde-meano^r and molestaçon to themselues hereafter otherwise he did not see but another man might be encouraged by the impunity of this fact, to do as much the next Court, whereby the Companie should be quite tired out and the whole buissines be vtterly ouerthrowne; for such was the malignancy of this passage, that for full eight weekē it had hindred all other proceedingē.

S^r Iohn Dāuers said that hauing seen m^r Wrote present himselfe since the sittinge of the Court, and afterwarde findinge that he had withdrawne himselfe, it seemed plaine to him, that he had deserted his cause w^{ch} he sawe he could not mainetaine, and therefore he did not thinke it fitt to loose any longer time in expectinge him but to proceed to the sentencinge of him, but yet before that was donn he thought it fitt that those imputaçons charges and accusaçons w^{ch} m^r Wrote had laid vpon the proceedings of the Counsell and Companies in the buissines of the Contract, and perticulerly of the Salaries, should be propounded to the iudgement of the Court; (vizt) whither they did approue all or any of them to be true w^{ch} course was well liked: Wherevpon his lp: put it to the question whither they did not thinke that those exceptions charges imputaçons and Accusaçons laid by m^r Wrote were not false and slaunderous, It was by a generall erecçon of handē adiudged that they were false and slaunderous noe one dissentinge.

After this S^r Henry Mildmay stood vp desiringe liberty and fauo^r for a worde or two, ffirst he desired this hono^{ble} Companie would not thinke that he hath bin the instrument to stirr vp stormes but one that hath endeauoured to allaye them And whereas he vpon the Monday before ~~declared~~ ||deliuered|| his aduise as from himselfe vnto the Companie vpon some conference [177] he had with the Kinge touching certaine pointē, he was informed some made a question, whither he had warrant to deliuered what he then did: Hee thought good therefore nowe to signifie, that whatsoeuer he intimated before vnto

them he had nowe warrant from his Ma^{tie} who by waye of aduise and Counsell, but no waye to commaund them wished That verball differences may be left, and the busines of the Plantation goe on.

Wherevpon the Earle of Southampton said that for the matter of difference they were nowe about to laye them aside and to make such an end as they might goe indeed forward with the buissines of the Plantacon w^{ch} had bin verie longe and sorely interrupted: But if it were his Ma^{ties} pleasure, they should not meddle with any evill worde or evill behavio^r they would all obey: S^r Henry Mildmay answered, he had no commaund, at all from his Ma^{tie} but onely warrant to speake what he nowe had deliuered by way of aduise

S^r Edward Sackuill said that to proue a trueth one of the best evidences is to haue one and the same thinge ~~and~~ ||auerred|| by double testimony that S^r Henry Mildmay hath in substance faithfully deliuered his Ma^{ties} most gracious ~~answeare~~ message he can, knowingly affirme and wittnesse for it beinge feared that some had endeavored to preiudicate his Ma^{ties} good opinion with sinister relacons of the proceedinge of this Companie he did out of his zeale to trueth and the duety he owed to this Society, mediate for accesse whereby he might enioye the meanes as he did the minde to rectifie such misinformacons and remoue vniust impressions if any such haue bin harboured in his royall brest but truly he could not finde that there were any: onely that his Ma^{ties} had bin pleased ~~out of his~~ to send a Message then irrevocable, by reason he beleined it was already deliuered it beinge then about three of the Clocke w^{ch} in essence and effect did correspond and accord with this nowe immediately related, namely that at last his Ma^{ties} invited vs to forsake words and fall to Actions and at last to end to talke and begin to doe, w^{ch} would most advance his service and conferr the greatest benefitt vnto the Collony vnto w^{ch} he wished all happines.

The Companie did with generall voice acknowledge much ioye and thankfullnes to his Ma^{ties} for his so royall care and remembrance of them and their affaires and that after such a manner as they professe

neuer to haue receaued a greater fauo^r And therefore it was generally desired by the Court, that to make a finall end of these matters that had so longe interrupted and diverted them that accordinge to his Ma^{ty}s graceous aduise and Counsell they might fall to ac^{co}n & dispatch the buissines nowe in hand without any further circumstances or delay. [178]

Wherevpon m^r Christofer Brooke said that since the waye to bringe it to an end was to fall to it, he would first beginn, And first he said that by that w^{ch} had bin declared against m^r Wrote he did not perceauē that he had accused but abused the Court and all those other parties w^{ch} he sought to disgrace and that in such a manner as might not be let passe vnpunished, for as it is true that a President doth more good then many precepts so an ill example in a Companie or Society doth much more hurt as for the lawe he said it is plaine that if a man enfranchised in any Companie shall speake against the good thereof he may be disfranchised but if he shall contemptuously behaue or carrie himselfe against y^e Gouverno^r or Gouverment thereof he is subiect to fine and imprisonment and although it was plaine that m^r Wrote had in both these kindē offended in a verie high manner, for his wordē and behauior both to the Counsell and Companie had bin extreamely contemptuous, and his mo^{ti}ons, attemptē and practises full of indiscre^{ti}on and of euill consequence, as did maynely endanger the ouerthrowe of the Companies and Planta^{ti}ons and wherein there was certainly manifested a great deale of ill will yet because the wordē would not directly beare it, he would not therefore touch vpon his ffreehold in Virginia by disfranchisinge him, but would aduise rather that m^r Wrote (hauinge so exceedingly misdemeaned himselfe) ||should|| by the Court, w^{ch} as it had power to choose so likewise it had power to depriue, be put of and excluded for euer from beinge any more of the Counsell and further that he should be suspended from cominge to the Courtē till he looked into his owne erro^r and made submission.

The Lo: Cauendish said m^r Wrote had shewed an ill affec^{ti}on to the treaty of the Contract since the very ~~first~~ begiⁿinge thereof for beinge (before the Contract came to Proposition) a dilligent Attender at

Court℄, he since that time often absented himselfe from Court℄ and from the meetings of the Counsell and Comittees where that buissines was handled and because he would not giue his consent, he therefore would giue no aduise: And whereas before it his duety as a Counsellor to haue assisted with his Counsell and helpe for the preparinge and ordered of such waightie and important point℄ he refused and neglected it, although he were p̄ticularly warned to their meeting℄, but when thing℄ were passed and ordered and could not be reuoked then with strange violence and vnorderlynes vnder [179] pretence of zeale and care of the Publique good, he did in all places publicquely and priuately call in question the Act℄ and proceeding℄ of the Counsell Comittees and Companie defaminge and deprauiinge them with as many virulent asper̄cons as a foule mouth and an ill heart could deuise, neither was his mallice bounded in these passages onely but runinge out to other matters he made heauy challenges and laid foule crimes vpon some of the principall Officers in the Company with an intent onely to slaunder them, for as they had seen, he refused and withdrewē when he should come to the pointe.

His lp: further said, he obserued his offences in that Court of the 4th of December to be three: ffirst his exception against an order in the Spanish Roll, where the Companie are to beare a Tenth part: Touching w^{ch} hauinge refused formerly to giue his aduice although he were warned to the meeting℄ of the Counsell and Comittees where that buissines was largely and fully debated; yet after it was by the Act of both Companies in their Quarter Court℄ concluded and agreed, he in that ordinary Court beinge told that it could not be altered beinge warned that it might extreamely preiudice the Companies, would not forbear to dispute against it, nor would keepe any order, but speake as often as he listed, and to the intent the better reasons ||wth|| w^{ch} he was aunswared might not frustrate their feares and discouragement℄ w^{ch} he laboured to instill into the Companies minde℄, he did not only confidently avouch the Lawes of the Realme to be agreeable to his opinion, but falsely (as by his owne confession afterward to the Counsell appeared) affirmed that he had asked the Counsell of the Lawyers p̄ticularly concerninge that pointe to make this evill sincke

||y^e|| deeper and that this was donne not out of present passion and heat, but vpon premeditate inten^{co}n to raise a Combustion, His lp: said he was the more confirmed therein because at that Court he obserued, diuers whome he had not of a longe time before seen in Court℄ and was generally knowne and obserued not to appeare or shewe their faces but against a storme and Tempest: Secondly in that Court w^{ch} m^r Wrotes wronginge y^e Counsell and that in a high manner, in generall the Co^mmittees and Companie, all whome together with the Gouverno^r he depriued not onely of want of wisdom and iudgement to contriue and consult of thing℄ but of want of care duely to consider and prepare them; and lastly of honesty it selfe; for all these things doe the word℄ w^{ch} he then spake not only imply but directly and plainely charge, he sayinge that thing℄ were not fairely carried but fowly and with much art surreptitiously, and to priuate end℄ and that the Companie durst not speake ~~their minds~~ because they were ouerawed: So that there was neither wisdom nor care; nor [180] nor honestie nor good meaninge: and although with a protesta^{co}n post factū, he would seeme to turne it from the Ea: of Southampton himselfe, and the rest of the Counsell; yet the truth was, that those accusa^{co}ns could settle nowhere el℄, for the Ea: of Southampton himselfe and the Counsell were not onely consenting, but Actors and the chiefe and principall in all those passages w^{ch} m^r Wrote had thus censured, and herevpon his lp: tooke occasion out of the Court booke℄ themselues to demonstrate howe duely howe orderly and howe fairely, all thing℄ had aswell in the Counsell & Co^mmittees, as in the Court℄, been carried, howe maturely they were prepared, howe iuditiously debated howe freely propounded to the Court℄ howe men were invited to speake freely their mind℄ concerninge them, howe those that made obiecc^{co}ns were not onely patiently heard but thanked.

The third offence w^{ch} m^r Wrote co^mmitted in that Court was vnder a pious pretence of the poore Planters good, to laye a founda^{co}n and groundworke to nourish a discontent and dislike in the Planters mind℄ concerninge the Contract and the Companies, and to sett himselfe vp for a Champion and Patron of them, as though the Companie

were negligent of their good or purposed to opresse them and so to raise a mutiny: Beside his lp: said he would lay the heavier censure vpon him for goeing with so false an Accusacon to the Kinge, as implyinge that they were ouerawed and durst not Speake, w^{ch} could come from no man but m^r Wrote: And therefore seeinge his Ma^{ty} so much desired an end of these differences, his lp: conceaued, it could not better or sooner be pformed then by cuttinge of so vnworthie a Member.

Wherevpon his lp: said that he affirmed the former censure of the Counsell and nowe his opinion was that m^r Wrote be excluded and put of from beinge of the Counsell, neuer to be admitted thereof againe: Secondly that m^r Wrote be disfranchised from the Companie as an vnworthie member, Thirdly that Cautions be giuen to all succeedinge Gouvernors that they pmitt not m^r Wrote againe to steppe into the Companie.

S^r Edward Sackuill said that he would not nowe stand to anatomize the carriage of m^r Wrote seeinge the Lord Cauendish had so fully donn it, As for the censure w^{ch} his lp: was of opinion should be laid vpon him, he said that if m^r Wrotes present behauior were onely considered he was of opinion, that the censure was farr vnder the merit of his demeritt, but he had both heard and seen that m^r Wrote had formerly donn good seruice for the [181] Companie: Wherefore although he was nowe an infected Member, yet because he might phapps become good againe, his opinion was that he should be decomposed from beinge of the Counsell & suspended from the Courte vntill he **make his submission.**

S^r Iohn Dāuers said that he cannot remember much meritt in m^r Wrote for matter of Counsell and therefore would conclude him without returninge that he should neuer more be of the Counsell: Secondly his opinion was that he should be suspended from cominge to Courte vntill he shall acknowledge y^e his sentence is iust and fault great and that in a Quarter Court: And further because of his many appeales and threatnings heretofore openly in Court and el^e where

of prosecuting his ill intençon some other wayes if he shall not from hence forward desist those indirect courses, his moçon was that m^r Wrotes proceedinge together with the Companies sentence should be put in print for the iustificaçon of the Companie.

S^r Lawrence Hide said he was sorrie to heare a man of that sufficiency as m^r Wrote had shewed, comitt so great a fault as to be guilty of mutiny and so ~~great~~ obstinately §to§ psist in so bad a course, he hauinge bin offered so many meanes both from the Counsell and Companie to see and aĩend his erro^r withall he feared his fact is such as some others of the Company haue bin infected thereby and therefore for examples sake and that this his censure might be a Terro^r vnto others, he held it fitt he be excluded for euer both from the Counsell and Company without acceptinge of any submission or acknowledgement at all howe great soeuer.

Herevpon the Ea: of Southampton said, that seeinge the opinions were somewhat different, he would propound a middle waye touching his suspençon from the ~~Counsell~~ ||Company||, namely that it might be for a time vntill he shall submitt him selfe and not absolutely for euer, In the end after some dispute it was thought fitt to make a question: ffirst therefore his lp: putting to the question whither m^r Wrote should be put of and excluded for euer from beinge of the Counsell; It was by a generall erecçon of hande (no one dissentinge) concluded and ordered that he should be put of and excluded for euer from the Counsell.

Secondly my Lord put it to the question whither the Companie would haue m^r Wrote disfranchised or suspended as had bin proposed, It was by plurality of hande agreed that he should be onely suspended. [182]

Thirdly his lp: put it to the question whither his suspençon should be absolute for euer has had bin propounded or whither after a certaine time vpon his submission he might not be admitted the question beinge put it was by a generall erecçon of hande agreed his suspension should not be for euer.

fourthly it was put to the question whither his suspension should be left indifferently vntill he shall submit, or whither he should be absolutely suspended for one whole yeare, wherein his submission though he offered it should not be accepted: It beinge put to the question it was by a generall erection of hande ordered and agreed, that in regard he had neglected that time, (wherein he might haue made his peace if he had submitted himselfe) he should therefore be excluded for one whole yeare entirely, wherein his submission should not be accepted although he should offer it: But at the yeares end if he shall then make his submission to the next Quart^r Court followinge in such good manner as shalbe fitt, that then it is left to the pleasure of the Quarter Court to readmitt §but§ without due submission it was ordered he should neuer be admitted.

Lastly vpon S^r Iohn Dāuers mo^on that in case m^r Wrote notwithstandinge his iust censure, shall persist in his willfull opinion and courses to cast asper^ons vpon the Company and Court^e or any way wronge or molest them, directly or indirectly, then to cause his sentence wth a Declara^on of his proceedinge be put in print; w^{ch} mo^on beinge well aproued of, was put to the question, and by a generall erection of hande ordered accordingly.

Vpon mo^on it was generally agreed and ordered that S^r Robert Kilgrew should be of the Co^mittee in stead of m^r Wrote nowe suspended.

S^r Edward Sackuill said that although it was vnseasonable yea almost vnmanly to abuse the patience of this Court wth longer discourse, their cares beinge already harried and wearied with too much noise of this kinde, yet he would presume a litle further on it, beinge engaged by promise to impart this night what he had to trouble them with, and hoped easely pardon, since it tend^e either to ~~the~~ their Hono^r or their proffitt, if not to both: Meetinge of late casuall with S^r Thomas Smith (who once and that longe had bin the Primus moter in this Companie) he addressed [183] himselfe vnto him seeminge much discontented at the professions he had heard S^r Edward had made in

diuers places of his beinge in debt to the Companie, he beinge one, that vsed not to deny what he had said, and coṃonly to speake what he thinkē S^r Edward said he confessed it true that he had spoken to others as much as was informed him by persons of good worth and vnderstandinge whome as yet he had no cause to discreditt: Wherevpon S^r Thomas professed his integrity and innocency, and amongst many Argumentē he vsed two w^{ch} most moued ||wth|| S^r Edwardē: one that if he were indebted so much as was imputed why did the Companie that pretended necessity forbear thus longe to beginn to recouer it, he beinge able to make satisfacōn: Next S^r Thomas Smith protested he had diuers times importuned an auditinge of his Accountē, w^{ch} by the space of three yeares he could neuer yet obtaine, though for his part he had deliuered in all his booke whereby to taxe him; There was then present two gentlemen of good worth and reputacōn S^r Humfrey Handford nowe Sheriffe and one m^r Abdy a rich marchand that confirmed as much addinge they had by assent of the Court and vpon oath examined his Accountē, and in the ballancinge of them, found the Companie to owe vnto S^r Thomas Smith fīue hundred and odd poundē w^{ch} they had wittnessed vnder their handē and deliuered vnto this Court: Herevpon S^r Thomas Smith desired he might goe ||on|| with peace into his graue beinge already farr stricken in yeares, w^{ch} alone must shortly period his dayes, were it not accompanied with many other infirmities incident to age; the paines whereof, though many times they much tormented and afflicted him were nothinge in comparison of those wherewith his good name and reputacōn stood affected by these iniurious and vniust aspercōns espeacially proceedinge from thence whome he had hoped to haue merited by his many yeares paines a better returne and acknowledgement: S^r Edward Sackuill therefore said, to deny this request of his was meere iniustice and to delay it but hard iustice, wherefore he beseeched the Court to appoint some with expidiōn to put a finall end to this buissines by liquidaōn of his Accountē, and by the verity of them, lett him stand or fall, till then (he said) himselfe and euery man are bound in Charity to hope the best and in honestie to condemne no man that that fairely puttē himselfe to his tryall, and by this waye proffitt will redound

to the Companie if there be any thinge due, and if not it is for their hono^r to giue him a Quietus est. [184]

Wherevpon S^r Edwin Sandys said that he conceaued the office of the Auditors was not to make an Account but to examine it, but the Auditors after longe and great labo^r taken in pvsinge and considering of the Account exhibited by S^r Thomas Smith haue found the same so defectiue, disorderly and intricate as it can hardly merritt the name of an Account, beinge many wayes faulty and altogether vnexaminable w^{ch} he spake not (as he said) to laye any aspercion vpon the reputacon of S^r Thomas Smith, further then of neglect and that through multitude of buissines: ffor the world knewe that S^r Thomas Smith neither kept the Accounte nor made them, but to satisfie S^r Tho: Smith himselfe that the fault of not auditinge was not in the Auditors, but in the Accounte he had in writinge ready to shewe certaine waightie exceptions formerly taken against them w^{ch} yet he desired not to be read openly in Court beinge prepared onely for the present veiwe of my Lord of Southampton, who had oftentimes moued the Auditors for dispatch of those Accounte: Notwithstandinge, my Lo of Southampton desired they would proceed to doe something therein, and if they finde them bottomeles, then to certifie S^r Thomas Smith what the defecte be w^{ch} was promised should be donne wth as much expidicon as other buissines would pmitt.

His lp: moued that these followinge might be admitted of the Counsell in respect of their worth and sufficiency vizt

Lo: Maynard.

Col: Ogle.

Lo: D'Lawarr.

Lo: Gen^lall Veere.

S^r Lawr: Hide Knight.

All w^{ch} beinge put to the Question were by a generall ereccon of hande admitted accordingly.

These 3: Patent^e examined and compared in the morninge by a Comitte appointed by the former Court were put to the question and approued and order giuen for the sealinge of them. ||viz||

Patent to Capt: Io: Martin

Patent to m^r Arthur Leuellis

Patent to m^r Haberly and James Haberly his Sonne. [185]

These Comissions followinge were all put to the question and ordered to be sealed (vizt)

Comission graunted to m^r Richard Mitton m^r of the Abraham of Topsom first for transportaçon of Passengers and after for a fishing voyage.

The like to m^r Richard Curtis m^r of the Mary Margaret of Topsom first for transportaçon of Passengers and after to goe a fishinge.

The like Comission to m^r Gabriell Barbo^r for the Bonny Besse of London of about fower score Tun for transportaçon of Passengers and after for a ffishinge voyage.

The like was graunted to m^r Richard Quaile m^r of the Ann of Virginia for transportaçon of passengers and after for a ffishinge voyage.

Vpon the moçon of m^r Arthur Swayne and m^r W^m Constable a Comission was graunted to m^r ¹Reignolds m^r of the W^m and Iohn to goe a fishinge onely for the reliefe of the Colony.

S^r Humfrey Handford passed one Share to S^r Tymothy Thornhill.

This Court beinge read was confirmed by erecçon of hand^e to be truely sett downe to the effect and sense of ||y^e|| thing^e said, donne and passed therein.

¹ A blank space in the manuscript.

AT A COURT HELD FOR VIRGINIA ON
WEDENSDAY THE 12: FEBRUARLY 1622 BEINGE
THE SUMER ILANDS QUARTER COURT DAYE

PRESENT

the Right Hono^{ble}: Ea: of Southampton.
Ea of Warwicke.
Lo: Cauendish.
Lo: S^t Iohn. [186]

S ^r Edw: Sackuill.	m ^r Geeringe.	m ^r Ley.
S ^r Io: Brooke.	m ^r Caninge.	m ^r Tickner.
S ^r Hen: Mildmay.	m ^r Berblocke.	m ^r Hacket.
S ^r Sam: Sandys.	m ^r Cratford.	m ^r Harding.
S ^r Edwin Sandys.	m ^r Ed: Iohnson.	m ^r Morley.
S ^r Io: Dauers.	m ^r Risly.	m ^r Sparrowe.
S ^r Ro: Killigrue.	m ^r Garrett.	m ^r Scott.
S ^r Tho: Wroth.	m ^r Cartwright.	m ^r Lukin.
S ^r Nath: Rich.	m ^r Witherall.	m ^r Ioseph Man.
S ^r Lawr: Hide.	m ^r Widdowes.	m ^r Iadwin.
S ^r Sam: Argall.	m ^r Boothby.	m ^r Edred.
m ^r Pheasaunt.	m ^r Hart.	m ^r Kirby.
m ^r Nich ^o ffarrar.	Do ^r Meddus.	m ^r Truloue.
m ^r Alder: Iohnson.	m ^r Morer.	m ^r Waterhowse.
m ^r Io: ffarrar.	m ^r Porter.	m ^r Elkington.
m ^r Brooke.	m ^r Couell.	m ^r Gold.
m ^r Gibbs.	m ^r Wiseman.	m ^r ffran: Wat ^h owse.
m ^r Nich ^o Hide.	m ^r Bennett.	m ^r Wood.
m ^r Bromefeld.	m ^r Swinhow.	m ^r Seaward.
m ^r Binge.	m ^r Etheridge.	m ^r Rich: Bennett.
m ^r Butler.	m ^r Hobbs.	m ^r ffreake.
m ^r Tho: Shippard.	m ^r Nicholle.	m ^r Rossingham.
m ^r Ro: Smith.	m ^r Caswell.	m ^r Harrison.
m ^r Tomlins.	m ^r Dike.	m ^r Leuer.

m ^r Io Smith.	m ^r Abra: Chamberlen.	m ^r Io: Wolstenholme.
m ^r Rogers.	m ^r Edward℄.	m ^r Barker.
m ^r Whitly.	m ^r D'Lawne.	m ^r Darnelly.
m ^r Ditchfeild.	m ^r Meuerell.	m ^r Barkham.
m ^r Barbo ^r .	m ^r Math: Sheppard.	m ^r Withers.
m ^r Gough.	m ^r Mellinge.	m ^r Strange.
m ^r Thaire.	m ^r Cuffe.	m ^r Whitcombe.
	m ^r Robert℄.	m ^r Lambe.
	m ^r Woodall.	m ^r Palauicine.
	Capt Gifford.	m ^r Collett.
	m ^r Webbe.	with diuers others.
	m ^r Owen Arthur.	
	m ^r Gore.	
	m ^r Buckeridge.	

This daye was held the Quarter Court for the Su^mer Iland℄ w^{ch} hauinge dispatched their perticuler buissines, The Ea: of South^ton said that he had somethinge to acquaint them concerninge the Contract; wherefore as also in regard that the Virginia Quarter Court had referred the confirma^on or reforma^on if a better course could be propounded of the Sallaries and manner of managinge the Contract he therefore moued that in regard these thing℄ equally concerned both Companies, the Virginia Companie whereof a large number had very longe attended in the Parlours might be called in, and these point℄ propounded and debated together with them, for so by the addi^on of many able and wise p^{so}ns the matter would be the more fuller and soundly debated, and more fairely and iudiciously concluded, and this course was so much the more seasonable because all the Su^mer Iland℄ Companie ~~except some~~ ||saue|| one or twoe were free of the Virginia Companie.

Wherevpon the Ea: of Southampton takinge the Chaire signified vnto both Companies that the Contract w^{ch} had so longe hunge in suspence was nowe againe sent signed by the Lord Treasurer without any altera^on [187] at all from that w^{ch} was formerly agreed on by the Quarter Court℄ and that the Lords of his Ma^{ty} Priuy Counsell hauinge bin acquainted by the Lord Treasurer with the Contract did verie well

aproue thereof Onely one thinge he was to signifie vnto them from the Lord Treasurer touchinge the Proclamation w^{ch} by the Articles was to be presently graunted; w^{ch} for some waightie reasons, no waye preiudiciall to the Companies, the Lord Treasurer desired might be respited for 3 or 4: Moneths only: after w^{ch} time the Lord Treasurer promised there should be such a one graunted vnto them as themselues desired and in the meane while said that the Companies might make vse of the Proclamation graunted to the former Patentees, and beside they should immediately haue his lp^s Letters written to all the Portē in England in so effectuall a manner as the Proclamacon it selfe should not worke more to their benefitt: The same course likewise should be held for Ireland by verie effectuall letters written to the Lord Deputy to prohibite the plantinge of Tobacco there, and to forbidd the importacon of any, but such as by the Companies should be brought in: Wherefore by these good Supplies the Lord Treasurer conceaued, the want of Proclamations for so smale a time as is desired could be no preiudice at all vnto them, but the forbearance thereof was for some important reasons of State absolutely necessarie.¹

This the Ea of Southampton said was the Proposicon w^{ch} he was to offer vnto the Companies from the Lord Treasurer wherefore he desired them to take it into their consideracon whither they might giue waye vnto it or noe.

Wherevpon m^r Deputy said that if the Companies had so earnestly desired the Proclamation onely to the intent to debarr the Importacon of Tobacco by any but themselues, the delay thereof for so short a while as was propounded (the want of it beinge otherwise to be so well supplied) might in his opinion be yeilded vnto, but he said that in the first treaty of that pointe the countenance and reputacon w^{ch} the Companie should receaue by so publique a Declaracon of his Ma^{ties} graceous fauor and loue to them in graunting them the sole Importacon was a motiue that exceedingly swaide with the Companies: and nowe on the Contrary the want thereof as it would much discourage them, so phapps it would disgrace them.

¹ The order of the Privy Council for the Contract is mentioned in List of Records, No. 406, Vol. I, page 164, *ante*.

S^r Edwin Sandys said there neuer hauinge bin any restraint in Ireland for the Importaçon of Tobacco, it would be verie difficult without a Proclamation to doe any good there. [188]

But neither this nor m^r Deputies reasons were adiudged of such force as therefore the Contract should not be proceeded in, by denyinge to yeald to the Lord Treasurers request: Wherefore after some consideraçon of the Proclamation graunted to the former Patentees whereof it was adiudged there might be made good vse, and after much dispute and many moçons made for obtayninge a longer time for bringinge in of the Spanish Tobacco and that the payment℄ should not begin vntill the Proclamation should come forth and diuers other such like w^{ch} were all reiected as thing℄ of no great moment, and w^{ch} perhapps would much distast the Lord Treasurer, the Comp^a: desired his lp: to put it to the question w^{ch} was donn in this manner vizt: Whither the Company would conclude this bargaine notwithstandinge the delaye of the Proclamation vpon my Lo: Treasurers promise that they shalbe strengthned with all other helpes both for this Kingdome and Ireland: Provided they may haue the Proclamation w^{ch} hath bin already offered by the Companies and approued by m^r Attorney or some other to as good effect before the 20th day of Iune next, and this condiçon to be inserted in the Letters Patent℄ This by a generall erecçon of hand℄ with an vnanimous consent of the whole Court was approued no one dissentinge.

This buissines thus concluded the Ea: of Southampton desired them to proceed with the other buissines concerninge the manner of managinge the Contract and the Salaries against w^{ch} so many and bitter exclamaçons had bin made by some as thing℄ most vniust and vnreasonable.

But diuers that had heretofore professed themselues against these point℄, moued that because it was nowe verie late the consideraçon and disputinge of them might be referred to a farther time, some sayinge they were not fully prepared, others that they would treat of it in a Su^mer Iland℄ Court ||only|| and not in the presence of the Virginia Companie: Some said that although they were members of the

Virginia Companie yet hauinge there no other Aduentures then their land and lookinge for no good℥ they would not meddle one waye or other therein as members of the Virginia Companie, for since the Salaries was to be raised vpon the good℥ they did not thinke it fitt to medle with imposinge any charge, whereof themselves should not beare a part, wherefore as in a Virginia Court they would say nothings but in a Sum̄er Iland℥ Court, in w^{ch} Plantaçon they were verie deeply engaged they would declare themselves freely: [189]

To these last m^r Deputy aunswared that he hoped the bond of that oath w^{ch} they had taken as Counsellors for Virginia would sway as much with them to assist with their Counsells and good reasons if they had any, to prevent the damage of the Plantation in Virginia if they conceaued any likely to followe by theis Sallaries as their private estate℥ and proffitt℥ should for the Sum̄er Iland℥:

But for those other that required further time, he said, it seemed wonderfull strange to him that men that had raised such straunge stormes and Tempest℥ concerninge the Sallaries, not onely to the disreputaçon of the Companies proceeding℥ but much to the hinderance of the Plantaçon it selfe and to the vtter disgraceinge and defaminge of some verie worthie persons, hauinge sought to make them infamous not onely in this Cittie, but through the whole Kingdome and onely for accepting of these Salaries, that after all this mischiefe donn they should be yet vnprepared wth plaine and euident reason to ouerthrowe the Salaries he could not sufficiently mervell and that the more because he sawe before his eyes some of them who in the Court the 11th of December when the consideraçon of the Salaries was referred to this present day said that they would against that time fortifie themselves to cut the Throat of the Salaries: Wherefore he desired them verie earnestly without any longer delayinge to bringe forth those waightie reasons for w^{ch} they haue so much traduced and defamed this matter.

Herevpon some said that the two great Salaries were too high, that the seruice that should be this yeare donn in sellinge of the Tobacco could not deserue such ffees, for perhapps the Tobacco would be sold most of it in great pcell℥ by the Candle.

S^r Edwin Sandys said that hauinge surrendred his place, w^{ch} he verie seriously protested he would not againe accept, he would speake freely what he thought, he said that he conceaued this buissines to be one of the most difficult and intricate that in the like kinde had bin euer attempted: and that the matter of sellinge the Tobacco was one of the least part℄ of the buissines as had bin well declared in a writinge presented to the Counsell and Co^mmittees before the Quarter Court wherein the Offices were propounded and passed, for although that care and labo^r should be much eased if the Sales Should passe so in great pcell℄ as was propounded, yet it could not be but that much would remayne behinde, whereof there must be daylie sellinge, but this was the Comittees labo^r properly, the [190] Directors and Deputies and Treasurers would be a continuall and endles labo^r from the keepinge out of bringinge in Tobacco vnduly, the attendance of the Lord Treasurer, the aunswearinge and satisfyinge of so many hundreth of people as would be interested in this buissines, the proporconinge of mens Diuident℄ w^{ch} would be often to be made and that verie intricate considering that the buissines depended vpon many and very indifferent Account℄ and part℄ w^{ch} yet must all be reduced to one vnity of Ac^con: These seuerall part℄ he said besid℄ an infinite number of lesser ac^cons were so many as the performance of them did amaze him when he considered of them, so that he did not thinke that any two mens sufficiencie for vnderstandinge nor hability for bodily paines could suffice to the pformance of all these thing℄ wthout a great deale of other good help.

S^r Henry Mildmay moued because it was nowe growne very late that the agreement about the Salaries might be deferred till the next Quarter Court vntill his Ma^{ties} pleasure were further knowne whither he would giue allowance of so great a proporcon or noe: but for the present he held it altogether vnfitt to be concluded vpon.

Wherevnto Aunswear was made that there was a necessity of resoluinge vpon Officers and Sallaries nowe at this present because all the Tobacco would be come home from the two Plantations before the next Quarter Court; and therefore if in the meane time no Officers be appointed for managing of the Tobacco when it shall come home,

the buissines would be vtterly neglected and both the Kinge and Companies will thereby be much preiudiced in pointe of proffitt.

As for further seekinge to his Ma^{tie} since it pleased him (as by the Articles appeared) to referr the appointinge of Sallaries to the Court consideringe they were to beare two Thirdē to his Ma^{ties} one that was adiudged altogether needles ||for|| hauing by the Lord Treasurers fauor obtayned that grace why should they not accordingly make vse of it accordinge as themselues should finde most beneficiall for the aduancement of the buissines.

M^r Alderman Iohnson said that it was to be considered what couenantē and explanacōns the Agentē will enter into to free the Companie from the Contract wth his Ma^{tie} touchinge the Spanish Tobacco, he said he found no fault with the Salaries but with the greatnes of them in grosse beinge 2500^{li} for he said if a [191] smale quantitie of Tobacco comes home that must be charged for any thinge appeares to the contrary with the whole Some of 2500^{li} And on the other side if ready Chapmen be found to take of this Tobacco when it doth come home by a Iointe Stocke what shall these Sallary men then deserue: Hee therefore concluded that it were fitt for the faire and safe carriage of the buissines that there be a Tripartite Indenture drawne between the Kinge and the Companies and the Vndertakers and that there should be a stinte sett downe howe much should be laid vpon euery pound of Tobacco.

To this last pointe it was answered that there could not be any certaine Some nowe sett downe, but that was to be left till hereafter, when if great quantities come in, the burthen would be the lesse, if but smale quantities then there must be the more laid vpon the pound of Tobacco in w^{ch} case it was verie certaine that the addicōn of greater charge for the raisinge of the Some propounded could not be so much but that it would be manifoldly repaide by the aduancement of the price of Tobacco for it was certaine that if the quantitie of Tobacco should be but smale, it would be sold at a verie high rate.

S^r Nath: Rich moued that the Virginia Companie would deferr their resoluōn of the Salaries vntill the Sum̄er Ilandē Companie haue con-

sidered thereof and agreed therevpon, for he hoped that it twas not intended that these of the Su^mer Iland^e Companie should haue the
 1 same burden laid vpon them as vpon the Virginians consideringe their Companie is but smale, their debte great, and their Supplies and other charges are and haue bin of late yeare exceedinge burdensome.

2 In regard the Virginia Tobacco will beare a better price then the Su^mer Iland^e Tobacco that therefore the matter of charge be not made equall but propor^cionable.

3 That the charge of imposi^cions be made certaine vpon the pound, be the quantitie more or lesse that comes in, that both the Planter and Aduenturer may knowe the vttermost of his charge.

Aunswere was made that the last of these point^e were formerly aunswered: As for the other the case of Virginia was held to be as hard this yeare as the Su^mer Iland^e could be and therefore the burthen must be equall. [192]

M^r Alderman Iohnson at last offred in writinge these Propositions followinge. vizt.

PROPOSITIONS

To the Honorable Courte of Sommer Islands for the
 better performance of the Contract wth his Ma^{ty}
 and in behalfe of the sayde Plantation.¹

Right Hono^{ble} for avoydinge of troublesome or offensiue speech to this Hono^{ble} Court, and the multiplicac^on of many words and exceptions against the Salaries as they nowe stand propounded, or against the parties intended for managinge the sale of our Su^mer Ilands Tobacco, it is thought convenient by the Author himselfe breifely to propound in writinge these reasonable proposi^cions, w^{ch} he desireth may be read and considered and put to the question by this Hono^{ble} Court.

Whereas at a late Virginia Court there was tendered a Proiect by a former Comi^ttee appointed and an imperfect Draft of another proiect by m^r Wrote as touchinge the Salary and disposinge of Virginia and Spanish Tobacco w^{ch} two beinge compared by the Companie then assembled that of the Comi^ttee was allowed by erec^on of hands & so it stands confirmed.

¹ The caption of this document is in the handwriting of Nicholas Ferrar.

But forasmuch as it is conceaued that neither of those Proiect[℥] can be in all point[℥] fittinge for those of the Sumer Ilands Plantation w^{ch} stands ypon mayne Different Termes from that in Virginia It is humbly desired that, y^e Premises (so farr as concernes this Plantation) may be better considered and howe to be carried in the medium of a more equall waye before it be too sodainely concluded in this Court.

That an indifferent Comittee may be nominated and appointed by this Court consistinge of such as are deepest engaged in the Supplyinge their shares and in the good[℥] shortly to be returned thence.

And forasmuch as this worke is of great importance aswell for his Ma^{ty} benifitt as for the Aduenturers and Planters good if well performed so if otherwise to the verie great hurt of both.

The Comittees are aduisedly to consider of the Sumer Ilands proporcion of Salary for Agency, and to agree with those Agent[℥] of such explanacons Couen^{ant}℥ and assurance to be drawne and indented aswell on the Aduenturers as on the Agent[℥] part to be performed as shalbe thought necessarie for the better accomplishinge of the Contract wth his Ma^{ty} and for securing the Aduenturers and Planters in sundrie needfull point[℥], and also to consider perticulerly of the Agent[℥] already nominated, and of the excepcons to be ~~taken~~ ^{made} against some of them.

And that none of those already appointed for Salary in y^e Virginia nor their Brethren may be of this Comittee nor to haue voice in Court when this is put to the question they beinge of a second party w^{ch} must conferr with this Comittee.

finally this Comittee shall nominate none of themselves to be Agent[℥] or ffactors for Sallary howsoeuer they may be thought fittinge to be Agent[℥] at large without Salary, as beinge such as will haue the greater care of vent and good succe^{esse} in y^e wherein themselves haue the greatest share & interest.

febr. 22th 1622.

By me Robt Iohnson Ald [193]

W^{ch} beinge read it was by diuers aunswear^d that such generallities did not any waye direct them in the perticularities nowe in question As for the matters desired to be referred to Comittees they were already vnder a select Comittee, then w^{ch} a more sufficient could not be chosen and these and many other point[℥] had nowe err this bin well settled had it not bin for the interruption that had bin by these late courses in defaminge and disgracinge the Officers; w^{ch} were such and

so many as S^r Edwin Sandys againe protested, that he would not for any reward whatsoever any longer endure them, wherefore he besought them to make choise of some other in his place, to the intent that for the want of that officer the buissines did not stand at a staye.

The Lo: Cauendish moued that seeinge S^r Edwin Sandys would by noe meanes any longer hold the place of Director they would nowe propose some other fitt man for that office. Wherevpon some nominated S^r Nath: Rich but he excused himselfe aswell for his owne insufficiencies as also that he should be often absent out of Towne: In w^{ch} regard he would not vndertake it for 10000^{li} p^a Añu: but said if he were fitted for the buissines he should be willinge to doe it Gratis.

Next some proposed S^r Thomas Wroth but he said he was not fitt for it.

Some also nominated m^r Edward Iohnson but he excused himselfe as no waye able for such a place.

S^r Natha: Rich desired to be satisfied howe the Planter shalbe dealt wthall about his Tobacco in case he stande in need of present money: Touchinge w^{ch} he said he would nowe make a Proposition to this Court vizt That he would vndertake together with his frende within a short time to procure a Stocke of 14: or 15000^{li} to take of the whole quantitie of Tobacco that should come home w^{ch} would be beneficiall both to the Kinge and the Planter.

In the end after a verie longe debate and dispute the Court seeminge ill satisfied that so many diuersions were made and that against the Salaries w^{ch} were nowe in question, there were brought not better Argumente, earnestly called vpon his lp: to put the matter to the question.

Wherevpon his lp: put it to the question whither they would establish all thinge accordingly as they were formerly ordered as well concerninge the Offices as Sallaries, w^{ch} beinge put to the question it was by a generall ereccon of hande noe one dissentinge ordered and agreed that the Offices and Salaries should stand accordingly as they were formerly sett downe. [194]

It beinge also put to the question whither they would accept of S^r Edwin Sandys resignaⁿ of the Office of Director or not: It was by a generall erecⁿ of hande denied and on the Contrary he was generally verie earnestly entreated not to thinke of leavinge the place vpon any discouragement whatsoeuer: they professinge that without his assistance they should much doubt of the well managinge of so difficult a buissines.

The Virginia Court beinge ended the Lord Cauendish tooke againe the Chaire, and propoundinge the matter of the Proclamation w^{ch} the Lo: Treasurer desired to be forborne for some Moneths it was passed by erecⁿ of hande in the Selfe same Termes together with the whole body ||of the|| Contract as the Virginia Companie had passed it.

As for the matter of Sallaries and Conveyance of lande it being almost eleauen of the Clocke it was moued that this Court might referr those pointe to be disputed and debated of on Monday next with full authority to conclude them: W^{ch} being put to the question it was generally agreed and ordered that these two buissinesses should that day be first handled and ordered before any other.

AT A COURT HELD FOR VIRGINIA ||AND THE
S^R ILANDe|| ON WEDENSDAY THE 19TH OF FEBRUARY 1622

Right Hono^{ble} Ea: of Southampton.

Lo: S^r Iohn.

Lo Cauendish.

Lo: Padgett.

S^r Io: Ogle.

S^r Io Scudamore.

||S^r Edwin Sandys.||

S^r Ro Killigrue.

m^r Binge.

m^r Paulavicine.

m^r Tho: Shippard.

m^r Caswell.

m^r Ro: Smith.

m^r Bolton.

m^r Hardinge.

m^r Webbe.

S ^r Io: Brooke.	m ^r Berblocke.	m ^r Cuffe.
m ^r ffreake.	m ^r Rogers.	m ^r Hart.
m ^r Garrett.	m ^r Barbo ^r .	m ^r Balmford.
m ^r Palmer.	m ^r Meuerell.	~~m^r Swinho.~~
m ^r Wilmer.	m ^r Nicholle.	m ^r Buckeridge.
m ^r Nich ^o fferrar Dpt.	m ^r Whitly.	m ^r Bull.
m ^r Brooke.	m ^r Mellinge.	m ^r Waterhowse.
m ^r Gibbs.	m ^r Gough.	m ^r Swayne.
m ^r Io: Wolstenholme.	m ^r D'Lawne.	m ^r Hackett.
m ^r Bromefeild.	m ^r Wiseman.	m ^r Truloue.
m ^r Risely.	m ^r Withers.	m ^r Elkington.
m ^r Io ffarrar.	m ^r ffursman.	m ^r Swinhow.
m ^r Tomlins.	m ^r Tatam.	m ^r Southerton.
m ^r Baynham.	m ^r Edward ^e .	~~m^r Withers.~~
m ^r Seeward.	m ^r ffoxten.	m ^r Robert ^e w th [195]
m ^r Woodall.	m ^r Eldred.	m ^r Hurd.
m ^r Hakett.	m ^r Hobbs.	m ^r Waterhowse.
m ^r Winne.	m ^r Taylo ^r .	m ^r Tho Waterhowse.
m ^r Tho: Iohnson.	m ^r Cartwright.	m ^r Widdowes.
m ^r Norwood.	m ^r Barker.	m ^r Gifford.
m ^r Ley.	m ^r Silas Taylo ^r .	m ^r Leuer.
m ^r Meuerall.	m ^r ~~Menger~~ Moorer.	m ^r Harrison.
Capt: Bargraue.	m ^r Iohn Smith.	~~m^r Woodworth.~~
m ^r Rossingham.		m ^r Kirby w th diuers
m ^r Owen Arthur.		. others.
m ^r Norwood.		
m ^r Newport.		

The Quarter Court held the 5^o of this present Moneth was read, w^{ch} beinge donn the Ea: of Southampton desired that if any man could take any exception at the entringe of the said Court he would doe it but no man takinge any exception thereat, his lp: after a good pause and deliberacon beinge desired by diuers put it to the question whither they conceaued that Court to be rightly sett downe accordinge to the true effect and meaninge of what then passed, It was by a generall ereccon of hand^e approued to be rightly sett downe no one dissentinge.

M^r Caswell said the men¹coninge of passinge certaine shares in the end of the Court nowe read did bringe to his remembrance a thinge w^{ch} diuers good members of the Companie had with much sollicitousnes & care ~~and~~ oftentimes thought and treated of, that is concerninge the manner of admittinge men to the freedome of this Companie w^{ch} seemed to them to be donne with more speed and lesse care and consideration then were requisite in a buisines of so high importance as the Plantacons are w^{ch} as it is well know[n]e haue many and sore enimies diuers of w^{ch} (phaps to the intent they may do the more harme) seeke to obtaine the freedome of the Companie; and that as admissions nowe passe (vizt) vpon the first proposinge could not be avoyded nor hindred.

Wherefore for the preventinge of so great inconveniences as the cominge in of such psons would breed to the Companie, his mo^oon was that it should be ordered and made a lawe that no enemy or open hinderer of the Plantations or vnworthie should be admitted into this Society, and for the better keepinge of them out he propounded that it might be ordered that if exceptions should be taken against any pson that should be propounded, either as an enemy or euill willer to the Plantacons or otherwise not worthie of this Society that the admission of such psons should not be imediately graunted at the same Court but respited to the pleasure of the Quarter Court next followinge. [196]

The Ea: of Southampton said he had not heretofore heard of the Proposition of m^r Caswell but vpon the first veiwe it seemed to him verie good and reasonable that there should be good care and order held in the admission of men to the Company of Virginia and the Sum^r Iland^e, diuers others likewise of the Companie comended m^r Caswell^e mo^oon, and that the rather because that whereas in all other Companies men take an oath to be true and faithfull to the Companie in these Companies there is no such thinge: Wherefore it were fitt that since that ~~time~~ tye and obligacon is here wantinge, that there should be so much the more care and considera^oon had in admittinge of men.

¹The letters "inge" written over the letters "ed."

But against this it was obiected that it was contrarie to the lawes of the Companie, w^{ch} said that admission shall not be denied where it is due: And it was further alledged that the Land in Virginia beinge held in free Soccage it could not by the lawes of the Realme be forbidden, but a man might sell and put ouer his land to whome he pleased, and therefore the Companie could not deny to admitt any man.

To the first it was answered that the lawes of the Virginia Companie, did not speake one waye or other concerninge that matter, but that that clause was in the Sumer Iland^e Lawes w^{ch} yet could not be so farr strained as that therefore any enemy or vnworthie pson should be admitted.

ffor the word^e are ||where it is|| apparantly due But certainly it is iustly questionable whither an enemy or vnworthie person should be admitted But for the second obiection the Ea: of Southampton said that he did not vnderstand ||the Proposition|| to be ment concerninge the passinge of Right and possession of land^e but onely concerninge the giuinge of vote and settinge in Court^e w^{ch} a man might be debarred of, although he had not onely right but possession of land^e in either of the Companies as was euident by the example of m^r Wrote who although he was vtterly disabled from cominge to the Court^e yet his land^e and ffreehold^e in both the Plantations were not taken from him: Wherefore although the Companie might not deny or debarr any man from sellinge his land to whome he pleased, yet they might refuse to accept of an vnworthie pson as to haue voice amongst them: And this m^r Christofer Brooke said was ~~not~~ ||not|| onely ||not|| contrary but agreeable to the Lawes, for in diuers cases of right there was sued out notwithstandinge a writt of Ad quod Damnum before the thinge desired could be effected, And this respite of Admittance desired, was in effect no other then as a writt Ad quod Damnum w^{ch} beinge returned and cleared the Admittance would of it selfe ensue. [197]

S^r Edwin Sandys also alledged the daylie practise of the Companie who refuse to admitt of any passage of land^e from him that is indebted

to the Companie w^{ch} is to be vnderstood from hauinge voice in Courte onely for it is not questionable, but that though a man be indebted to the Companie, he may passe his land^e to any other, and that he that shall buy it shall haue as good right and title as the first had, but yet by the lawes of the Companie he cannot haue voice in the Courte vntill the debt be satisfied to the Companie, wherefore if in this case the Companie deny admission much more may they do it vpon such other waightie exceptions as were propounded.

But it was further objected that if vpon exception taken against a pson propounded the Admission should be delayed and the matter referred to the Quarter Court, it would be in the power of any malicious man to affront and disgrace whome he pleased, and either he must sett downe with the repulse or el^e put himselfe vpon a Tryall and censure of a multitude, whereby although he should in the end be iustified, yet he might incurr much disreputa^on and in the meane while haue his good name tossed vp and downe in mens mouthes: Wherefore they were of opinion that that course would be full of Scandall: as for clearing the Companie of vnworthie Members; it was in the Companies power vpon iust reasons to expell them and cast them out.

But the Ea: of Southampton aunswared that it was both easier and safer to prevent the admittinge them, then beinge admitted to cast them out, and for the former part of the exception that they should gaine much more credditt by beinge so hono^{bl}y cleared then they could suffer disreputa^on by beinge maliciously excepted against, and that consideringe the great shame and infamy that he that should maliciously call anothers worke in question should vndergoe men would be wary howe they hazarded their owne fame and good reputa^on in callinge others in question, wherefore this danger would hardly light vpon any that deserued it not.

In the end after much dispute it was resolved that there should be a Comitte appointed to consider against the next Quarter Court of some fittinge lawe to be made concerninge the admittinge men in an orderly and warie manner and perticularly ||for|| the preuentinge of admit-

tinge of vnworthie ~~Members~~ ||psons|| w^{ch} Comittee accordinge to the forme prescribed in the lawes are to bringe their labo^r to the Counsell, and the Counsell to the Præparatiue Court, and so to the Quarter Court: This beinge put to the question was by a generall erec^on of hand^l noe one dissentinge ordered: And for Comittees to prepare the buissines [198] was named

S ^r Robt Killigrue.	m ^r Christo: Brooke.
S ^r Edwin Sandys.	m ^r Wither.
S ^r Iohn Dauers.	m ^r Berblocke.
Collo: ¹ Ogle.	m ^r Caswell or any 4:

who were desired to meete as soone as conveniently they could treat thereabout, In the meane while till the matter might by a lawe be fully and pfectly established, it beinge put to the question was by erec^on of hand^l ordered, that no admission should be graunted at the same Court where it was propounded but referred to the next Quarter Court after; ~~when~~ when if no exception at all were taken or but such as should be friuolous the admission should be confirmed but if any iust or weightie exception were taken against the pson propounded, then the Admission should be deferred vntill the Quarter Court next followinge.

Vpon the naminge of the former Comittee some nominated a gentleman who had spoken against the mayne Proposition that was comitted: Wherevpon the Lord Cauendish said that he hauinge spoken against the matter it selfe, might not be of the Co^mittee accordinge to the order in Parliament, where none that speake against the body of a Bill may be of that Court ||Comittee|| to w^{ch} the considera^on thereof is referred, in regard that he that is wholly against a thinge ~~that~~ would destroye it, and therefore could not be adiudged a fitt instrument for the rectifyinge of it: This course the Court held verie fitt to be kept hence forward, and beinge informed by S^r Edwin Sandys and m^r Deputy that the handlinge of thing^l by Co^mittees was not so well and orderly regulated as were fitt: The Court by erec^on of hand^l ordered that the former Co^mittee should likewise take that

¹ Blank space in the manuscript.

pointe into their consideracons, and thinke of some fittinge orders for nominatinge and meetinge of Comittees and for direccons howe they should proceed in buissinesses referred vnto them, and in this pointe the Comittees were desired, likewise to bringe their resolucons to the Councell C^r that a lawe might be made thereof.

S^r Iohn Dauers propounded that whereas S^r Iohn Treuor the ffather desires to passe two of his Shares of land to S^r Iohn Treuor his Sonn, he not beinge indebted notice might be nowe taken thereof that his admission might be graunted at the next Court if no excepcon were taken.

M^r Mellinge likewise propounded the passinge of two Shares to m^r Boothby and that his admission might be also graunted at the next Court, if no exception were taken.

M^r Gideon de Lawne propounded also the passinge of two Shares vnto his Sonn, and desired his admittance at the next Court. [199]

M^r Binge and m^r Woodall moued that they might haue a Coppie of that Petition w^{ch} without a name was exhibited and read in y^e Quarter Court against them: It was answered that since the Court did then refuse to enter farther into the examinacon of the matter obiected against them, because their was no name to the Peticon that therefore they need not trouble themselves to make further answeare therevnto, but they pressinge much to haue a Coppie giuen them of it, w^{ch} the Secretary acknowledged to be in his hande it was moued, because the Court seemed of different opinions, ~~that the decidinge thereof,~~ that the decidinge thereof should be deferred till the publique buissinesses (w^{ch} were exceedinge waightie and important) should be handled, it beinge directly ordered by the lawe, that publiq^h buissinesses should haue precedency before all priuate.

Molaseo the Polander likewise earnestly besought that his peticon might be read alledginge that he had attended aboue a Quarter of a yeare, and the Ea: of Southampton said that if his case were as he were informed he had suffered much wronge.

M^r Deputy said that he was not altogether ignorant of the matter but knewe that there was so fowle oppression that had bin vsed to the poore man, and likewise vpon diuers others in the like cases as he was afraide, both the Companies and Plantations did to the waight of their owne sins suffer God℄ punishment for these former offences: Wherefore he thought it most necessarie to endeauo^r the rightinge of him, but that was to be donn accordinge to the forme prescribed by the Quarter Court: In this Court it could not be donne his case beinge verie longe and somewhat intricate: Wherevpon the Ea: of Southampton willed m^r Deputy with all convenient speed that might be to call the Comittee to whome that matter was referred that so the Court might doe him iustice: W^{ch} m^r Deputy promised.

These thing℄ beinge thus donne the Ea: of Southampton said that the Directo^r and Co^mittees had yesterday mett and treated about diuers point℄ concerninge the managinge and orderinge of the buissines himselfe, the Lo: Cauendish and some other of the extraordinary Co^mittee beinge present wth them from two of the Clocke till almost Eight at night: And although the time was but short yet they had so well digested and contriued matters as himselfe and others rested much contented in the good forme that was propounded by the Director and the Co^mittees, for the safe orderly and faire cariage of those seuerall perticulers w^{ch} seemed most to affect them that had opposed the carriage of the buissines in that forme, and by those men w^{ch} the Companies had concluded and chosen, wherevpon he willed m^r Deputy to make report from pointe to point of what was by the Directo^r and Co^mittees propounded. [200]

But before m^r ||Deputy|| beguñ the Lo: Cauendish tooke the Chaire and acquaintinge the Su^mer Iland℄ Companie that he had purposely caused a Su^mer Iland℄ Court to be this day warned to the intent that they might likewise vnderstand and consider of those waightie point℄ that did equally concerne them with y^e Virginia Companie wherefore he desired them likewise with all serious care to obserue and consider of the thing℄ that should be propounded and reported that they might afterward either confirme or amend them.

Whereupon m^r Deputy desired of both the Companies dilligent and carefull attencon because the pointē were waightie and full of difficulties and further besought them freely to make what Obieccons they could in enery perticuler for soe either they should be satisfied or the thingē amended.

ffirst therefore he said, that the Co^mittees consideracon did beginn at those pticulers, where the Contract ended, w^{ch} howe farr it went ~~the~~ the 6: Article expressed vizt That not onely the sole Importacon but the sole sale was to be managed by y^e Companies that is (as there is explained) by such Officers as the Companies should choose and depute: This he said he did thinke necessarie to promise for the answearinge of those doubtē and exceptions w^{ch} he had heard by many both publicuely and priuately made (vizt) that they should be debarred of the possessions of their owne goodē, that they must trust the sale of them to others C^r ffor this condicon did arise imediately and was inherent in the very Contract it selfe, so that whosoever would enioy the liberty or benefitt of bringinge in Tobacco hither must without dispute resolute to submitt himselfe therevnto, and therefore he desired that noe man would call those thingē in question but for the safe and secure custodie both of the goodē themselves and also of the money after they should come into the Officers handē and for the faire iust and equall orderinge and disposinge and sellinge of the Comodity and that to the best proffitt and aduantage both of the Companies and his Ma^{ty} the Director and Co^mittees had propounded these courses followinge to be held, w^{ch} he would in the selfe same order relate as they were by them considered of.

ffirst therefore to beginn with the arriuall of the goodē here they conceived fitt that some Officers men of trust and that should take an oath should imediately be sent about the Shipps to take care that no Tobacco should be stolne out of the Shipps but all might be duely brought into y^e Companies handē.

Secondly that the Maisters of Shipps and such others as should be thought requisite should vpon their oathes be examined and charged to deliuer a true and faithfull Invoice of all the Tobacco brought home in their Shipps. [201]

Thirdly that beside the Husband there should be at the least two of the Committees appointed for ~~the~~ takinge vp of the good℥ out of the Shippes into the Custome howse who should with the Husband take exact notice of the waight of euery mans good℥ and howe it was agreeable to the invoices, and howe it was condiçoned to the intent that if by the Marriners or others there had bin any fraude and imbeasellinge in the quantitie or by their neglect or default the good℥ were spoiled, there might be restituçon made respectiuely vnto the Owners.

ffourthly for the discharginge of the Custome ffreight C^r the Director Treasurer and Committees should take order, without troublinge the priuate Aduenturers; to laye downe the moneys w^{ch} should be due, w^{ch} was conceaued would be generally a great benifitt and ease vnto the Aduenturers and Planters, and they might safely vndertake it, in regard they had the whole goods in a pawne to make themselues full satisfacçon.

ffiftly after the good℥ were cleared from the Custome howse, the Committees together with the husband should take care, for the Safe conveyance and suer keepinge of the Tobacco in the Warehowses and Storehowses belonginge to the Companie, for the accomplishment whereof these courses were propounded.

ffirst that it should be the care and charge of the Husbaund assisted with two of the Committees at least to receaue in the good℥, and to keepe a Booke plainly expressinge the quantitie waight and mark℥ of each mans parcell of Tobacco and in what Warehowse it is put: W^{ch} beinge donn, the said Book℥ of the Husband should be presented to the Director, and the rest of the Officers who should take order that the Bookekeeper should out of the said Book℥ frame an orderly and plaine Account, wherein should be expressed what quantity of Tobacco belong℥ to euery man and where it lyes.

And to the intent that men may rest secure that their good℥ should not be purloyned nor imbeaselled by any meanes, it was conceaued fitt, that for euery roome or Warehowse there should be three seuerall lock℥ and keyes whereof the Director or Deputy should haue one, the

Husband another, and the Third should be entrusted to some of the Committees So that it should not be in the power of the Husband to goe ~~in~~ but with the knowledge and consent of the Director Deputy and Committees: And when he did goe it should not be but in the presence and Companie of two of the Committees at least, and that neither Curinge Sortinge Shewinge nor Sellinge should be at any time by fewer then two of the Committees at least together with the Husband: And although this course would cost the Committees both much time and labor yet it was thought requisite to be donn for the full securinge of mens mindē, for in regard ~~that~~ the Commoditie doth of it[s] owne nature much wast and diminish by longe lyinge if the meanes of imbeazellinge were not in some extraordinary manner preuented and debarred suspicious mindē or euill affected would take occasion (as sometimes heretofore hath bin seen) to impute the losse w^{ch} came by dryinge to the falshood of them vnder whose custody it was. [202]

But this course as it would take away all meanes of doeinge wronge, so it would take away all scruples and feares out of mens mindē.

This pointe ||being|| related thus by m^r Deputy diuers of the Companie spake in approbation of the course prescribed, but no man makinge any obiection against it, onely diuers required that if it were possible the Warehouses and Storehouses might be all in the Companies howse or at least as neare as possible could be, and m^r Roberts desired that the Virginia and Sumner Iland Tobacco should be kept in seuerall roomes; To w^{ch} Answeare was made, it was so vnderstood because there were seuerall Accountē to be kept of them. And that not onely the Tobaccos of the two Plantacons were to be kept assunder but the seuerall sorts of either Plantacon were likewise to be kept in seuerall Roomes: It was also demaunded by some howe the Husband should doe when occasion should require that the Tobacco should be shewed in seuerall warehouses, to w^{ch} it was aunswared that he should haue vnder him an inferio^r Warehouse Keeper, and if there were occasion to be in many Warehouses at once he might depute others in his place who should be paide for their paines, but without two Committees no man should ~~take~~ ||medle|| any goodē.

In the end the Court desired¹ his lp: put it to the question whither this course propounded by the Co^mmittees did satisfie the Companie in the point of safe keepinge their goodē, and whither they would rest satisfied with this Security and so order, that this Course propounded should be held, It was by a generall erec^con of handē agreed (onely one dissentinge) that that course was good and safe, and should therefore accordingly ||be|| held and obserued.

It beinge past fve of the Clocke the Ea: of Southton ppounded the continuance of the Court, ~~so longe after 6: of the Clocke till buisnesses might be dispatched~~ w^{ch} by erec^con of handē was confirmed.

The Lo: Cauendish also takinge the Chaire propounded the continuance of the Sum^r Ilandē Court so longe after 6: of the Clocke as there should be occasion.

The goodē beinge thus agreed to be sufficiently safe, the next pointe m^r Deputy said that came into considera^con was the Securinge of the moneyes that should come into the Treasurers handē that the Companie might thereby rest satisfied, that they should not suffer da^mage neither by losse of the moneyes itsel^fe nor ||of|| the Treasurers imployinge it to other vses. [203]

And first they considered of that course w^{ch} was intimated by some both publiquely and priuately (vizt) the takinge of great Bondē and Suerties for the Treasurers makinge good whatsoever moneyes should come to his handē. But consideringe that the Stocke was twoe great for almost any man to finde Suerties able to aunsweare such a Some and that in farr greater Stockē of other Companies that was not required; they did not conceaue it fitt to de^mand that kinde of Security of the Treasurer, espeacially consideringe the smale fee that so great paines and charge he was to vndertake: for although there was 400^{li} allotted vnto the present officer vnder the name of Treasurer, yet it was not onely for the Service he should performe in that office, but in regard of the place of Deputy w^{ch} he was also to execute, w^{ch} if it had bin alone would in their iudgementē haue deserued 300^{li} Wherefore they did not thinke it reasonable to de^mand such

¹ Written over "desiringe it."

condiçions as phapps were impossible certainly very difficult to be pformed; and so much the rather because the Kinge hauinge interest in the buissines men would be wonderfully Shye of any waye entringe into Bond in such cases.

Wherefore they thought it better ~~both~~ for the present and for hereafter to turne their thoughtē to the settling of such a course and forme as might preuent that ~~§no~~ damage could happen, rather then howe it should be repaired after the losse came, by ~~||w^{ch}||~~ the waye of Bonds and Suertishippes only implied, and did not alwaies proue soe effectuall as it seemed to carrie shewe, by reason that many casualties might happen and many courses might be taken whereby the Security would be frustrated: Wherefore after mature deliberaçon they fell vpon this course followinge.

ffirst that there should be a safe and stronge rome chosen in the Companies howse for the Keepinge of the moneyes that shalbe receaued and stronge Iron Chestē provided to put the money in: and that both the Chestē and rome should be vnder three lockē and keys. whereof one should be in the Keepinge of the Treasurer of the Virginia Company, one other in the keepinge of the Gouvernor of the Sumner Ilandē Company and the Third the Treasurer for this Contract should haue, So that the Treasurer should not goe into the Treasury wthout the knowledge and consent of the two aforesaid Gouvernors nor otherwise then with them or at least some psons of worth and sufficiency deputed by them: ffor in reguard that it cannot be that such noble personages should haue leasure so often as need might require to be personally present, it was therefore thought fitt that the Treasuro^r of Virginia might leaue his key with some one of the Counsell and the Gouvernor of the Sumner Ilandē with some of the Assistantē. [204] So that by this meanes it was conceaued that the money after it was brought into the Treasury would be safer and better secured then by any Bondē or Suertishippes whatsoever.

As for the bringinge of money in and that the Treasurer should not be at any ~~||one~~ time possessed of any great Sōme, it was thought fitt that once euery weeke the Director or Comittees or some of them together with the aforesaid Gouvernors or their Substitutē should take

Account of the Treasurer what moneyes had bin that weeke receaved and should cause the same to be immediately carried into the Treasury vnder the Custodie afore prescribed.

And in case the payment^e should come in, in great abundance; the same course might be held twice or oftner in the same weeke So that by this meanes the Treasurer should neuer be possessed at any ||one|| time of any greater Some then himselfe should be adiudged sufficient ~~wittnesse~~ Security for.

And further to the intent that the Treasurer should not be able by any art or cunninge to detayne to his owne priuate vse any moneyes that he should receaue, it was thought fitt that besid^e his Cash booke (w^{ch} vpon demaund he should alwayes bringe out to the aforesaid Officers) there should be kept a booke in a plaine and orderly manner, expressinge what good^e are sold for ready money and what vpon time to whome and when it falls ^{out} due; W^{ch} booke shall lye open to the veiwe and pervsall not onely of the Officers, but of any Brother of the Companie, by w^{ch} meanes it is conceaued that not onely all fraude in the Treasurer wilbe prevented; But also many other good effect^e will followe for thereby the Comittees (to whome the sale of the good^e is referred) shalbe sure to haue good informaçon by the recourse of them that wilbe desirous to see this booke of the habilities and sufficiencie of those with whome they deale.

This pointe beinge thus reported by m^r Deputy there was a generall approbaçon of the course many comēdinge it but not any one objectinge against it: Wherevpon his lp: was desired to put it to the question w^{ch} his lp: did in this manner.

Whither they did iudge their ~~wayes~~ moneyes would be sufficiently secured by this course without further security of Bond or Suertiship from the Treasurer, and whither they would agree and order that this course should be held in this point it was by a generall erecçon of hand^e (not one dissentinge) iudged that by this meanes the moneyes would be sufficiently secured, and it was ordered that this course should be held concerninge the Treasury. [205]

These thinge thus established concerninge the safe custody of goodē and money m^r Deputy said thus, the next consideraçon of the Directo^r and Committees was concerninge the disposinge and sellinge of the goodē w^{ch} that it might be donn in a iust and equall manner both for the Kinge and the Owners, since not onely the Tobacco of seuerall men would be of different goodnes and worth, euen the selfe same pcell would phapps containe Tobacco of two or three ||verie|| different sorte for price and worth it was therefore before all other thinge absolutely necessarie to haue every mans parcell veiued and iudged of what condiçon and goodnes it were and if it were not all alike that the different sorte should be distinguished and seuered and this difference they conceaued might be reduced to three kinde best, middle, and worst by w^{ch} course every man should haue the true proceed of his owne goodē, and the full and iust price accordinge to the condiçon and worth of his Tobacco without either receauinge or doeinge wronge by hauinge his Tobacco mingled wth others beinge of the same goodnes and worth as his is.

As for the true and faithfull distinguishinge of these seuerall sorte, it was conceaued it should be donne by men skillfull in the nature of Tobacco who should be chosen by the Companie in their Courtē and haue an oath administred vnto them to do it without any manner of partiality either of fauo^r or hatred, and that they should thus sort the Tobacco in the presence of the Husband and at least two of the Comittees who should keepe an exact Account howe every mans pcell is by these Sorters iudged and esteemed, and takinge care that it beinge once distinguished, it may not againe be confounded shall carrie vp to the Bookeep the Account of each mans pcell, who ~~should~~ ||shall|| accordingly enter downe in his booke howe much of each sorte belonge to every man w^{ch} he shall shewe and giue a note of to any owner that desires it

This beinge thus reported by m^r Deputy some ||made|| moçon that when the sortinge was to be performed, there should be in the howse where the Courtē are kept a bill sett vp declaringe from daye to day whose Tobacco should be sorted to the intent that the owners might

themselves be present to see right donn them, But this was generally adiudged inconvenient as a thinge that would not hinder, but cause the doeing of much wronge and breed much contention if the owners might be by. for euery man would striue and pswade that his goodē might be made of the best sort: But on the Contrary the Court generally thought fitt that the Husband and Comittees should haue it giuen them in charg that not only any owner should not be present when his goodē were to [206] be sorted but that they should further endeauo^r as much as they possibly could to conceale from the Sorters all such markē and tokens whereby they might any way guesse to whome the Tobacco w^{ch} they sorted belonged, for so certainly not knowinge whose goodē they were, they would deale indifferently and faithfully accordinge to their iudgmentē and Skill.

It was by some also moued that the Sorters might not be Buyers, because it was said, they might therby sett out good Peñyworthes for themselves to the preiudice of the Stocke, but vpon debate it was not conceaued that any such inconvenience could followe if good care were vsed; But on the other side it would be an ill leadinge example to debarr any man from beinge a Buyer that would bidd a good price and make good payment.

M^r Roberts moued that there might be Three sorters to euery pcell to the intent that if two were of different iudgement the matter might be ended by the Third: This mo^on was well liked, both for the reason he alledged, and also because it was thought harder to corrupt three then a lesse number wherefore although it would breed more charge, yet it was thought good to followe that order.

In the end there beinge no more obiecc^on made, and the Court generally likinge well of this course, my Lo: at the request of the Court put it to the question, whither they did approue of this course w^{ch} m^r Deputy had reported wth m^r Roberts Addition; It was by a generall erecc^on of handē assented vnto and ordered that that course should be held for the sortinge of Tobacco.

This donn m^r Deputy said that after these prepara^ons they were nowe come to the Disposinge and Sellinge of the Tobacco; In w^{ch} pointe

the proffitt of the Aduenturers did maynely consist, w^{ch} they founde to be an Accon contayninge many part℄ and branches all requiringe exact care and consideracon, but diuers of them could not be well iudged of nor resolved on vntill the thinge it selfe came to execucon when accordingly deliberacon was to be taken: Wherefore the Director and Coṁmittees had nowe onely proposed certaine generall head℄ tendinge to ~~the~~ equality of ~~of~~ *||and||* iustice and to the mayntayninge of the Coṁmodity at a good price. [207]

ffirst therefore they conceaued that after ~~mens~~ *||mens||* Tobacco should be so sorted as before was agreed on, and the Bookeeper entred euery mans parcell aright vizt what quantitie of each sort was due vnto him that then mens pticuler pcell℄ should not be any longer kept assunder but mingled and put together respectiuely one with another, that is the best with the best, the worst with the worst, and so the middle sorte with that of the same kinde: Which beinge donn the sale should be made out of the lumpe, and so euery man should from time to time as moneyes came in receaue their diuident proporconably accordinge to their seuerall part℄ of that w^{ch} was sold and this they held to be the onely equall and faire course whereby euery man should alike participate of proffitt and losse: As for the sellinge of mens pcell℄ seuerall it was a course so full of iust and obuious exceptions as need not be repeated.

This m^r Deputy said was the first and most generall waye w^{ch} was propounded and if it were by all men followed would certainly best keepe vp and improue the Coṁmodity when it could be fetched, but at one head.

But he said that in regard diuers members of this Companie had declared themselues not onely willinge but desirous to take out their owne Stock℄ and part℄ pretendinge that what price soeuer the Companie shall sett, they yet shall be able for to sell at a higher rate, in regard the Companie sellinge in grosse, must alwayes leaue a sufficient gaine whereby the Retaylo^r may liue: ffor the contentment therefore and satisfaccon of such men, they conceaued it fitt to giue

liberty vnto them (defrayinge all charges and leauinge for euery Third pound of Tobacco ready money for his Ma^{ty} vse) they might take out their Stocke: And way beinge thus giuen, he said that the doubt and feare, that some men had made of suffringe wronge by the Sorters, either corruption or negligence in not rightly iudginge and esteeming of their Tobacco, was resolued and taken away, for if the Sorters should, estimate any mans pcell to be of a worse sort then indeed it was and that his that was of the best sort should be made of the second, and the second the worst, the owner might by their erro^r make great aduantage to himselfe whilest he should haue the Kings Third at a cheaper rate then indeed it was worth, So that pmittinge this libertie the Sorters could not preiudice any man by vnderualuing his Comodity, if they ouervalued it, it was to the losse of the generall lyvinge and Bulke, but greatly to the aduantage of the perticuler owner, who should thereby receaue a better price then indeed truely his good^e were worth: These m^r Deputy said were the [208] two Generall head^e w^{ch} the Comittees had propounded many pticularities fallinge vnder them they had likewise considered of, But because they were grounded vpon some obieccōns & exceptions that might be taken against these courses, he therefore not doubtinge, but that the same scruples and argument^e would be nowe made in Court, would reserue them to their propper places by w^{ch} meanes they would be best vnderstood: And herevpon the Ea: of Southampton and the Lord Cauendish desired the Companies that they would freely question demaund and obieet that by explyninge thing^e might be fully vnderstood and by debatinge and disputinge the best course might be found and accordingly followed.

Herevpon some said, that if the Tobacco shall at first be high rated, and accordingly men leaue the Kings part, if they could not sell it after the same rate or if the Companie should after lett fall the price they that tooke it out, should be much damnified.

To w^{ch} answeare was made, that this liberty was giuen onely vpon that ground that men by takinge out should make more and not lesse: Wherefore if a man would take out his Tobacco at a certaine price

without beinge sure to make more if he afterward sold it for lesse it was his owne fault, and therefore must endure the punishment, w^{ch} they that doubt may do well to leaue it in Stocke with the rest whereby they might be sure not to loose.

It was further obiected, that this lycense beinge giuen, many men would take out, and vpon desire to make present money sell the Coĩmodity at a farr lesse rate then they tooke it out, whereby they would bringe downe the price of all that remained in Stocke or at least cause that none of it should be sold till all theires were vented, and the example of the East Indy Companie was put, where men take out peper and other Coĩmodities at a high rate and presently to haue ready money sell them much vnder.

M^r Deputy made answeare that these obieccĩons had bin made in the Comittee, and likewise further w^{ch} he thought first was to be resolued, that it might seeme against the Contract whereby it is agreed with his Ma^{tie} that there should be a sole sale of the Tobacco, w^{ch} seemes not to agree with the diuidinge and partinge it into so many hande as this course would cause: But for that he said it was vnderstood that the sole sale was onely so farr intended as to bringe the Coĩmodity to a reasonable high price, w^{ch} was conceaued to be sufficiently donne by taking a good price for euery Third pound, whereby men were tyed not [209] to sell vnder, except they would doe it to their losse w^{ch} is not to be supposed in men that liue by tradinge, and the aduantage of gaine between the buyinge and sellinge As for the Instance of the East Indy Companie it was verie different from this, first men did not indeed sell so much vnderfoote, as it seemed for the prices w^{ch} they tooke the Coĩmodities out at was not the price of ready money but the price of a verie longe time, whereby although they sold a great deale vnder that; yet they made neare vpon as good reckoninge as if they ridd out the time besidē he said, that men there tooke out their Stocke without any further charge, but here was a great deale of ready money to be laid out downe whereby men would be wary what they did and would not ouer fondly pull losse vpon themselues with the disbursinge of so much money as might be otherwise well imployed certainly the

able Aduenturer and the rich Planter would ||not|| doe it, but would rather haue patience to expect a good Account with others, then with so many Inconueniences ~~to~~ inda^mage himselfe

As for the thriftles ||and|| royetous pson he would be hardly able to finde out so much money howsoeuer there would not be so many of these as should,¹ much hurt the Stocke for their disorder could not be generall, but onely reach to some p^ticuler places and that for a verie short while.

ffurther m^r Hackett said that he did not see that any preuen^çon could be made against such spend thrift^e and bankruptly minded men for so they must in the end proue that would take out at verie high rat^e and sell at verie lowe to gett ready money: ffor if their Stock^e might not be deliuered them as their owne; yet they could not be debarred from buyinge whereby the same inconueniences would followe:

In the end after much dispute about this point the argument^e ||on|| both sid^e beinge found to be verie waightie, the further considera^çon of them was referred vntill the next Court.

ffor the releife of the Planters vpon wth ground so many had vnder-taken to turne all topsie turuy m^r Deputie said that the Directo^r and Co^mittees hauinge seriously considered of the matter did not finde that there was like to be either that great number of them as if necessity should force them to sell vnder foote ||there should followe any great [endamagemen^t] vnto the Stocke|| for he said that the greatest part of the Planters that vse to send home good^e were very able men, and for those poore Planters that do come home it had bin obserued that the most of them goeing vp and downe with their Tobacco amongst their frend^e, did by one meanes or other sell it at farr greater rat^e then the Companie were likely to sell theirs. [210]

As for the rest of the poore Planters whose either ill husbandry necessity or want of iudgement might cause them to sell much vnder the worth, the number would be but fewe and the quantity of their

¹ Written over "would" by Collingwood.

goodē but smale, so that the mayne Stocke would not thereby be much preiudiced although they tooke their part℄ out and sold them neuer so much vnder: But for the remedying thereof, and much more for the releiuinge of those psons: the Directo' and Cōmittees propounded that after all diligences vsed by the Planter himselfe for the best sale of his Tobacco (wherein §to§ their vttermost they would giue all good helpe) if he would not come to some reasonable price, the peell℄ should be brought into the Court and sold by the candle whereby it was not doubted but that he should come very neare to the iust price, espeacially consideringe that such kinde of mens good℄ could be but smale quantities w^{ch} would be euery mans money.

These Proposiçons were liked and the further consideraçon of them referred likewise to the next Court.

S^r Edwin Sandys acquainted the Court that the Lo Cauendish, himselfe, and some others, hauinge had conference wth my Lord Treasurer his lp: told them that direcçon should be giuen to m^r Attorney for the present drawinge vp of the Patent and that his Letters also should be forthwth dispatched to all the ~~pts~~ ||Port℄ in regard the Proclamation could not as yet come forth.

AN EXTRAORDINARY COURT HELD FOR
VIRGINIA ||AND THE SUMER ILAND℄ ON SATTURDAY IN THE FORENOONE
THE 22TH OF ffebrua: i622

PRESENT

Right Hono^{ble} Ea of Southamp.

Ea of Warwicke.

Lo S^r Iohn.

Lo: Cauendish.

S^r Edw: Sackuill.

m^r Paulavicine.

m^r Winch.

S^r Io Brooke.

m^r Io: Wolstenholme.

m^r Palmer.

S ^r Edw: Sandys.	m ^r Risly.	m ^r Moorer.
S ^r Io: Dauers.	m ^r Tomlins.	m ^r Ditchfeild.
S ^r Io Scudamore.	m ^r Io: ffarrar.	m ^r Nicholle.
S ^r Timoth: Thornhill.	m ^r Gough.	m ^r Couell.
m ^r Nicho: ffarrar Dpt.	m ^r Berblocke.	m ^r Seward.
m ^r Gibbs.	m ^r Thaire.	m ^r Bennett.
m ^r Herbert.	m ^r Kightly.	m ^r Bull.
m ^r Bromefeild.	m ^r Io Smith.	m ^r Bolton.
m ^r Wilmer.	m ^r Ro: Smith.	m ^r Hobbs.
m ^r Steward.	m ^r Edward℄.	m ^r Southerton.
m ^r Binge.	m ^r Barker.	m ^r Withers.
m ^r Caswell.	m ^r Bland.	m ^r Downes.
m ^r Bowater.	m ^r Tomlins.	m ^r Widdowes. [211]
m ^r Addison.	m ^r Mellinge.	m ^r Hardinge.
m ^r Swayne.	m ^r Tomkins.	m ^r Tho: Waterhowse.
m ^r Swinhowe.	m ^r Boothby.	m ^r Elkington.
m ^r Newport.	m ^r Iadwin.	m ^r Tickner.
m ^r Lawrence.	m ^r Wiseman.	m ^r Truloue.
m ^r Baynham.	m ^r Robert℄.	m ^r ffran: Waterhowse.
m ^r Leuer.	m ^r Woodall.	m ^r Cuffe.
m ^r Shippard.	m ^r Stone.	m ^r Siluer: Taylor.
Capt Gifford.	m ^r Hart.	Capt Rossingham.
m ^r Meuerell.	m ^r Tatam.	m ^r Moorewood.
m ^r Hackett.	m ^r Balmford.	m ^r Sparrowe.
	m ^r Kingstone.	m ^r Ley.
	m ^r Webbe.	m ^r Owen Arthur.
		w th diuers others.

At the settinge downe of the Court the Ea: of Southampton signified vnto the Court that he had receaued a letter from the Lord Treasurer who vpon complaint℄ made by some members of the Companie was desirous before thing℄ were further proceeded in to receaue satisfac-
 cōn concerninge those point℄ they had complayned vnto him of: But
 in the meane while, till the Lord Treasurer appointe a meetinge his
 lp: said he thought fitt to acquaint the Court thereof and to take into
 reveiwe and consideraçon the seuerall point℄ concluded on by the last

Court touchinge the manner of menaging the Contract, w^{ch} his lp: said he conceaued to be the buissines wherevpon the complainte were chiefly grounded, Wherevpon his lp: willed to read the Court held the 19th of this present Moneth, all the pticuler pointe whereof were againe senerally disputed and debated as they were read and all of them confirmed and ratified by the iudgement of this present Court, except the last pointe vizt that it should be lawfull for euery pticuler man to take out his Tobacco, leauinge for euery Third pound the full value w^{ch} it should be rated at for his Ma^{ty} vse: This Course was by plurality of voices adiudged to be likely to bringe downe the price of the Comodity in reguard that men would to haue ready money sell vnder that rate w^{ch} they had taken it out wherevpon it was by ereccon of hande ordered that the Tobacco should be sold all in Bulke and if any man would haue his owne he should buy it out of the lumpe, yet withall it was agreed and ordered that if in this waye the Tobacco did not sell in that quantitie as was expected but it should be found that the Tobacconist^e and Retaylors should combine together to the preiudice of the Stoeke, that then after three Moneths for the ventinge of the Comoditie the former course should be held.

This donn m^r Deputy moued that the Shares propounded at the last Court might nowe passe if no man tooke exception thereto the pties beinge these that followe vizt

S^r Io: Trevor the ffather passed two shares to S^r Io: Trevor his Sonne.

M^r Mellinge passed two Shares to m^r Boothby.

M^r Gideon D'Lawne passed one share to his sonne Abra: D'Lawne: All w^{ch} were approued and confirmed. [212]

These Shares also were propounded to passe at the next Court vizt.

M^r Viner one Share to m^r ffrancis Bickly and one other to m^r Robert Abden.

M^r Io: ffarrar one Share to Mathias Caldicott esq^r.

AN EXTRAORDINARY COURT HELD FOR
VIRGINIA ON MONDAY IN THE AFTERNOONE
THE 24TH OF FEBRUARY 1622

PRESENT

Right Hono^{ble} Ea: of Southampton.

Lo: S^t Iohn.

Lo ~~Padgett~~ Cauendish.

S^r Edw: Sackuill.

S^r Io: Brooke.

S^r Edwin Sandys.

S^r Io Dāuers.

S^r Io: Scudamore.

m^r Nicho: ffarrar Dp^t.

m^r Herbert.

m^r Christ: Brooke.

m^r Brome feild.

m^r Wilmer.

m^r Io Wolstenholme.

m^r Wriosly.

m^r Tomlins.

m^r Io: ffarrar.

m^r Gouch.

m^r Berblocke.

m^r Smith.

m^r Barbo^r.

m^r Caswell.

m^r Seaward.

m^r Swayne.

m^r Swinhowe.

m^r Addison.

m^r Baynham.

m^r Sheppard.

m^r Mellinge.

m^r Boothby.

m^r Moorer.

m^r Ditchfeild.

m^r Bland.

m^r Iadwin.

m^r Balmford.

m^r Edw: Waterhowse.

m^r Ley.

m^r Hackett.

m^r Owen Arthur.

m^r Webbe.

with diuers others.

The Court held on Wedensday the 12: of ffbruary was nowe read: w^{ch} donn after a good pause, the Ea: of Southampton said, that as he was heretofore slowe in puttinge thinge to the question, so nowe he would be much slower, because it had bin reported to the Lord Treasurer that the Companie were ouerawed and durst not speake, w^{ch} whither it were true or no themselues could Wittnesse, w^{ch} report the whole Court vtterly condemned to be false and scandalous, professinge

that they enjoyed as much freedome and liberty of speach as they could desire. The said Court of the Twelueth of february was by a generall ereccon of hande no one dissentinge confirmed to be truly sett downe.

S^r Edwin Sandys at the request of the Ea: of Southampton did nowe make report what passed in the morninge before the Lo: Treasurer, where he said were present the Gouverno^r and Deputies of both Companies Also S^r Io: Dāuers, himselfe and some others, And on the other part the Ea: of Warwicke S^r Nath: Rich, m^r Alderm: Iohnson [213] m^r Wrote, m^r Binge, m^r Caninge and m^r Woodall with some others, as also S^r Io: Wolstenholme and other the Customers that seemed to assist them, all of them directly impugninge the Contract as conceauinge it to be verie preiudiciall vnto the Plantations: much speach passed w^{ch} the Lord Treasurer heard with a great deale of patience interruptinge no man: In the end one of the Customers made a Proposition to his lp: that seeinge there was so much difference and fracon between the Companies by reason of the Contract, it might no longer hold, but the Companies be bound to bringe in all their Tobacco and pay the i2^d Custome vpon the pound w^{ch} would be more contentfull to the Planters and more beneficiall to the Kinge: for it was supposed within two or three yeares, there ~~might~~ || will || be brought in yearlye fower hundred Thousand waight from both the Plantations w^{ch} at 12^d p pound came to — 20000^l and in case a fourth part of this was abated and so the payment brought to 8^d it would amount to 20000 $\frac{1}{2}$ markē w^{ch} with 6000^l that would be giuen for bringinge in of Spanish Tobacco would make vp the former Some of — 20000^l.¹

Wherevnto answere was then made, that this 12^d p^{ti} was as hard a Bargaine for the Planter as the other: w^{ch} was shewed first by instance of the smale proffitt that S^r George Yeardly made of his Tobacco: Secondly by the smale proceed of the Magazine nowe returned w^{ch} of 7000^l Stocke had scarce produced 4000^l of their principall money after ² yeares forbearance: Hee added also a Third instance out of his owne

¹ This is the first of a series of estimates. Many rough notes and memoranda by members of the opposition are mentioned in List of Records, between Nos. 396 and 424, Vol. I, pages 166 to 166, *ante*.

² A blank space in the manuscript.

experience of his Sumer Iland^e Tobacco: In the sale whereof he could hardly cleare — 6^d p pound notwithstandinge he then paid neither Custome nor imposi^{ti}on for it.

At length the Opposers presented to the Lord Treasurer certaine Articles, contayninge partly Propositions, partly exceptions, wherevnto his lp: required aunsweare In all w^{ch} passage S^r Edwin Sandys said, he was sorry to heare so much by speach and that it was soe confidently averred espeacially by m^r Wrote and m^r Binge, that the Companies in the carriage of the buissines were ouerawed by the Ea: of Southampton with a kinde of threatninge, that vnlesse the Contract went on the Planta^{ti}ons would be taken away from them.

S^r Edwin Sandys further added that the Lord Treasurer intimated that seinge the Companies haue receaued so much grace and fauo^r of the Kinge by Lottaries and other meanes for aduancement of the Plantation, he held it most vnfit they should nowe carrie their Commodities any other where then into his Ma^{ty} Dominions: and therefore concluded that whither Contract or no Contract, all must be brought into this Kingdome to paye custome whereby his Ma^{ty} Revenue might be aduanced: W^{ch} Proposition y^e Opposers did well like of, and said that they euer more desired that all might be brought in and m^r Wrote said that the Colony in Virginia had sent a Peti^{ti}on to be exhibited to his Ma^{ty} to that purpose, but the same was neuer presented to the Kinge but concealed and suppressed by m^r Deputy. [214]

Touchinge w^{ch} the Ea: of Southampton said it appeares as well by the verie peti^{ti}on it selfe as also by a Letter from the Colony at that time vnto the Counsell here, that the Collony did meane nothings lesse then was pretended and that the scope of their peti^{ti}on was onely to obtaine liberty to bringe in their Tobacco into England whereof they were at that time vtterly debarred.

The Ea: of Southampton also signified vnto the Court that the Lord Treasurer at their cominge awaye beinge asked whither they should proceed in this buissines or no said, they might proceed and goe on ~~on~~ notwithstandinge these differences and opposi^{ti}ons.

Accordingly his hp: said they would nowe proceed, and therevpon began to propound to the consideraçon of the Companie, that seeinge this Contract did equally concerne both Companies, they were first to consider howe to aduance the price of the Tobacco that should come from both the Plantaçons, to the most profitt and aduantage aswell of the Aduenturers as Planters of both the Companies: w^{ch} the Co^m-ittee hauinge duely considered of, conceaued it could no waye be donn vnlesse both Companies did ioyne and agree together about settinge the price of the Tobacco.

W^{ch} pointe beinge taken into consideraçon some were of opinion, it were most fitt, that each Companie should sett the price of their owne Tobacco. Wherevnto aunsweare was made that by that course there might fall out a verie great inequality in settinge the price thereof: for in case two Shippes should come together, the one from Virginia the other from the Su^mer Iland^e, if the one Companie should sett theirs at 5^s—and the other at 4^s—by this meanes the one would sell of all of their Tobacco (beinge lower priced) before the other should be able to put of any at all.

Wherevpon after mature deliberaçon and debate, it was at length put to the question, whither vpon the cominge home of any Tobacco from Virginia or the Su^mer Iland^e, the Companie did not thinke it fitt, that after the Co^mittees haue considered of a price both Companies be assembled together (and not one alone) to sett the price thereof This by a generall erec^on of hand^e was agreed and ordered no one dissentinge.

It was likewise propounded, that in case the Companies cannot agree in settinge the price and that they both differ also from the price sett by the Co^mittees, as for example, if one sett at 6^s¹ p pound and the other 5^s that in such case the medium w^{ch} is 5^s 6^d be sett: This proposition was well approued, and beinge put to the question, it was by a generall erec^on of hand^e agreed and ordered that in such cases the mediū should be taken. [215]

¹ Written over "d."

It was further propounded that in case the one Companie agree with the Co^mittee in settinge the price and the other Companie shall thinke fitt to sett a higher price and withall shall offer to take it of at that higher price that then they may haue it, otherwise the price sett by the Co^mittees and the other ~~Co^mittee~~ Companie to stand This proposi^cion was also well approued of and by erec^cion of hande generally agreed and ordered accordingly.

Lastly it was propounded that in regard the Contract doth equally concerne both Companies, and that there is a necessity of vnitinge them together whereby they may vnanimously agree together in their proceedinge touchinge the Contract, that no Act or buissines be donn touchinge the same but by the consent of both Companies assembled together: So that what shalbe ordered in one Court may be againe propounded and ordered in the other: W^{ch} Proposition was also well approued of and ordered accordingly

AT A COURT HELD FOR VIRGINIA AND
THE SUMER ILAND^e ON WEDENSDAY
IN THE AFTERNOONE THE 5^o OF
MARCH ||MARCH 5.¹|| 1622

PRESENT

Right Hono^{ble}: Lo: Cauendish.
S^r Edwin Sandys.
S^r Io Dāuers.
Collo: Ogle.
S^r Nath: Rich.
S^r Tho: Wroth.
Do^r Dun.

m^r Gibbs.
m^r Iohnson.

m^r Seaward.
m^r Iadwin.

m^r Webbe.
m^r Cuffe.

¹ Entered in the margin at some later date.

m ^r X ^p er Brooke.	m ^r Woodall.	m ^r Trueloue.
m ^r Bromefeild.	m ^r Morewood.	m ^r Meuerell.
m ^r Butler.	Capt: Bargraue.	m ^r Edw: Waterhowse.
m ^r Binge.	m ^r Boothby.	m ^r Rider.
m ^r Paulavicine.	m ^r Geo: Garret.	m ^r Barker.
m ^r Tomlins.	m ^r Robertℓ.	m ^r Rich: Bennett.
m ^r Nich ^o ffarrar Dpt.	m ^r Ley.	m ^r Edwardℓ.
m ^r Io: ffarrar.	m ^r Ro: Smith.	m ^r Taylo ^r .
m ^r Berblocke.	m ^r Sparrowe.	m ^r Stone.
m ^r Bull.	m ^r Rogers. ¹	m ^r Hurd.
m ^r Barbo ^r .	m ^r Goodyeare.	m ^r Norwood.
m ^r Bland.	m ^r Baynham.	m ^r Lever.
m ^r Wheatly.	m ^r Copland.	m ^r ffletcher.
m ^r Moorer.	m ^r Swinhowe.	m ^r Dike.
m ^r Widdowes.	m ^r West.	m ^r Scott.
m ^r Balmeford.	m ^r Sheppard.	m ^r Elkington
m ^r Nichollℓ.	m ^r Arth: Swaine.	m ^r Shipton.
m ^r Bolton.	m ^r Owen Arthur.	m ^r Kirby.
m ^r Wiseman.	m ^r Southerton.	m ^r Coop.
m ^r Ditchfeild.	m ^r Tomkins.	with diuers others.
m ^r Viner.	m ^r Hobbs.	[216]
	m ^r Mellinge.	

M^r Deputy obseruinge diuers Strangers to be in the Court not free of the Companie, as he conceaued, desired that they would depart the Court: But some said that they were Planters that come lately from the Su^mer Ilandeℓ, and therefore thought fitt (there beinge also a Su^mer Ilandeℓ Court warned) that they might likewise be present; But it was aunsweread that there was the last yeare a lawe made, whereby that was forbidden: And it was likewise testified that for these two last yeares the Companie had thought fitt to deny leaue to such Planters as were not ffreeholders to sett in Courtℓ and that therevpon they had bin often times excluded wherevpon they were nowe entreated to depart the Court.

¹ Written over "Roberts."

After w^{ch} the Lord Cauendish said that vpon Satturday last there was a message sent from the Lord^e of his Ma^{ty} Priuy Counsell to warne himselfe and such¹ others as he would bring with him on the one side, and the Ea: of Warwicke ~~and~~ ||or|| S^r Nath: Rich and such others as they would bringe wth them on the other p^{tie} for the Sum^{er} Iland^e Companie: And for the Virginia Companie S^r Edwin Sandys and m^r ffarrars and such as they would bringe with them on the one part: And on the other part S^r Tho: Smith and m^r Alderman Iohnson and such others as they would bringe with them to attend the Lord^e on Tuisday morninge, concerninge the setlinge of the buissines of Tobacco: W^{ch} his lp: said they did accordingly, beinge accompanied with ~~the~~ ||my|| Lo: S^t Iohn, the Lo Padgett S^r Edward Sackuill S^r Iohn Brooke S^r Io: Dauers S^r Robert Killigrew and diuers others of the Companie where there mett likewise diuers perticuler men of the Companie, vpon whose complaint^e against the Contract, the Lord Treasurer signified this meetinge was appointed: Wherevpon the Lo: Cauendish said he made Protesta^{cion} that the Contract hauinge bin often and most orderly concluded in diuers Quarter Courts, himselfe and the rest of the Companie attendinge him did not nowe come to giue those Members of the Companie that nowe opposed it any satisfac^{cion}, for beinge not onely as the lesser part involved in the generall agreement, but most of them hauinge actually giuen their consent^e vnto the concludinge of the Contract it were to the preiudice of all good gouernment to treat further with them there about: But if their H^{ps} vpon any sinister informa^{cion} giuen them had conceaued any doubt^e, himselfe and the rest were ready to giue an Account to their H^{ps} of all their proceeding^e and such as they were assured should in euery perticuler satisfie them. Wherevpon their H^{pps} requiringe some of the Complaynant^e to make knowne their greiuances ~~their~~ m^r Binge stepped forth and made a longe inuective against the Contract and the manner vsed [217] in passinge it; wherein he said men were ouerawed by threatninge word^e, that if they yealded not thereto they should do worse that they must quitt the Plantations, That the Ea: of Southampton findinge an vnwillingnes in the Companies to yeald to so hard a bargaine, sett him downe in his chaire, pullinge his hatt

¹ Written over the word "some."

ouer his eyes and foldinge his Armes acrossse and leninge backward in his Chaire, as if all were lost, w^{ch} kinde of behauior and former wordē, frighted the Companie to yeald vnto this Bargaine it beinge concealed from them (w^{ch} nowe their II^{ps} signified) that this Contract was offred by the Lord Treasurer in his Ma^{ty} name as from his especiall grace to the aduancement of the Plantations: And further m^r Binge said that the Ea: of Southampton did not onely saye that he would be m^r Wrotes Accuser, and that whilest he was in the Companie there would be no peace nor quiet but that he did make it his suite vnto the Companie to put him out: And these thingē amongst many other his lp: said m^r Binge did not onely deliuer but Act; and that in such a manner as was distastfull to the Lordē of the Counsell: Wherevpon m^r Binge was by their II^{ps} rebuked for his behauior and wordē; and his lp: said he could not forbear to desire iustice of the Bourd against him for hauinge so wronged and abased the Ea of Southampton beinge a Peere of the Realme and a Member of that Bourd not only nowe in their II^{ps} presence but also other where hauinge said as by two sufficient Wittnesses would be there proued that if he had bin as m^r Wrote when my Lo: of Southampton by order of the Counsell for Virginia suspended him from that ||e|| Counsell he would haue told him His lp: should not suspend him from the Counsell of Virginia beinge a suspended Lord ~~himselfe~~ from the Counsell ~~Table~~ ||of State||: W^{ch} Speech m^r Binge denied desiringe that point might be deferred till the retorne of my Lo: of Warwick and m^r Wrote who were nowe with the Kinge. His lp: said that the Lordē of the Counsell seemed much offended with m^r Binge; and said they would ||not|| let ~~his~~ it passe but would consider of it by it selfe.

But for the mayne buissines out of m^r Binge speach, the Lord Treasurer propounded three pointē to be insisted on; ffirst whither the Companie were ouerawed, Secondly whither this Contract were for the good of the Plantation, And lastly that if this present Contract were not good for the Plantations howe it might be made good.

ffor the first pointe of ouerawinge his lp: said that diuers other affirmed as m^r Binge had donne, wherevpon by himselfe and S^r Edw:

Sackuill they were much pressed to deliuer the word℥ ||wherewth they were|| (as they said) threatned and affrighted: Wherevpon m^r Gibbs said, they were told if they did not yeald to this bargaine they must do worse they must quitt the Plantaçons: [218]

Wherevnto the Lo Cauendish said there was by himselfe and others made Aunsweare that if those word℥ were spoken it was declared and explained what the meaninge of them was: That if the Companies did not accept of this Bargaine of sole Importaçon (nowe it was offered them) it would be vndertaken by others w^{ch} would be much worse for them as they had found by experience and phapps their Tobacco thereby would be ||so|| brought downe as they should not be able to liue, and so the Plantaçons might be quitted but as for intendinge thereby his Ma^{ty} displeasure to the Companies (if they refused this Bargaine) or that otherwise the Plantaçons would be taken from them as these Oppugners would nowe pretend it was answeared that it was most false the Contract hauinge bin from the verie begininge to the end propounded to the Companies as a thinge offered by his Ma^{ty} meerey out of his grace and fauo^r to the Plantaçons and by the Lord Treasuror out of his espeaciall loue and respect to the Plantations: In w^{ch} regard his lp refused other greater offers for matter of proffitt, and in this manner was the proposing of the Contract expressed and sett downe in the Court booke℥ as was there presented to be shewen: The debatinge and clearing of this pointe his lp: said, held all the forenoone.

In the afternoone the second point propounded by the Lord Treasuror was considered and debated vizt howe good or evill this Contract was for the Plantations: Wherevpon S^r Natha: Rich instanced his case that hauinge ||sent|| 120^u of Coñodities this yeare he should loose it all except a verie litle if this Contract proceeded accordinge to the Account that he made: But his lp: said that it was by S^r Edwin Sandys and others answeared, that this Contract was not concluded by the Companies nor by them proposed simply as a good bargaine but onely comparatiuely as a better then that estate they were formerly in, w^{ch} by many instances was proued not onely of pticuler

mens cases, but principally of the great Magazine wherein men had lost after six ~~weekes~~ ||yeares|| time neare halfe of their Capitall, and that in S^r Natha: Riches Account there was a mayne erro^r in the verie ground in ratinge Tobacco in y^e Country at ij^s vj^d a pound; At w^{ch} price the greatest part of Tobacco came home these last three or fower yeares had not bin sold.

And this pointe his lp: said after longe debate and dispute was so well cleared as he supposed the Lord^e of the Counsell were fully satisfied with the reasons giuen on the Companies part vizt That by this Contract the Companies were not sett in worse case, then they were formerly: In the end his lp: said they were willed to goe out and after a good while himselfe and S^r Edwin Sandys [219] and the Deputy of the Virginia Companie were called in againe, where they were by the Lord President told, that it twas not their lp^s pleasure to speake nowe of the Contract but of a Post-act vizt the sendinge of some Shippes from the Plantations to Holland w^{ch} his lp: made aunsweare was none of the Companies Act but of perticuler Aduenturers to whome the Shippes and good^e belonged; their Hp^s seemed much offended thereat, and ||willed|| his lp: to signifie and declare it to the Companies that it was the pleasure and comaund of that Bourd that the Tobacco and all other Comodities belonginge to those Plantations should be brought directly home for England.

M^r Deputy said that the Lord Præsident told them further concerninge the Contract (speakinge to the Lord Cauendish) that his lp and the rest had giuen a good Account vnto the Bourd, both of the reasons they had in concludinge this Contract as also of the faire proceedinge and carriage in the passinge of it, whereof they would giue his Ma^{tie} aduertisement, and doubted not but that the Companies should haue either the Contract confirmed vnto them accordinglye as themselves had agreed and ordered or el^e some other bargaine asmuch to their content.

His lp: hauinge breifely ~~deliuered~~ ||declared|| the report, m^r Gibbs conceauing that the Lord Cauendish had said, that he was one of them that had said at Counsell Table that he was ouerawed, desired

that if the Secretary had so sett it downe it might be altered and amended for he said he denied at Counsell Table that he was ouerawed but had indeed alledged those former word^e w^{ch} he left to the iudgement of the Bourd what sense they may carry.

M^r Binge said that the ouerawinge that he spake of, he did not meane it of metus potentia^e but of metus reverentia^e.

M^r Deputy said that he conceaued there had three thing^e of speciall ~~of~~ obseruance and note passed at Counsell Table that daye, two point^e whereof were matter of great ioye to himselfe, and he doubted not were likewise of singuler comfort to the Companie.

ffirst a most ~~humble~~ ||honorable|| testimony giuen by the Lord Treasurer of the good proceeding^e and carriage of the buissines of the Plantations these fower last yeares, so as his lp: said they had thereby thriuen and prospered beyound beleife and almost miraculously:

The Lord Cauendish said that the Lord Treasurer added further that in the former yeares when Alderman Iohnson was deputy and the buissines was in other mens hand^e it was carried leaudly So that if they should be called to an Account for it their estat^e could not aunsweare it.

Secondly the good satisfac^ōn that their H^{ps} had receaued and rested possessed with concerninge the Companies proceeding^e in this buissines of the Contract. [220]

But the third point^e ||he said|| required matter of exact considera^ōn vizt their H^{ps} com^ād to bringe in all their Tobacco and other good^e to w^{ch} Proposition of their H^{ps} it hauinge bin made vnto the Companies about a yeare and halfe agoe the Companies had then presented vnto their H^{ps} diuers reasons declaringe the impossibility that was for the Companies to pforme this as also the extreame preiudice that would thereby arise vnto the Plantations w^{ch} was so great, as by a second remonstrance to their H^{ps} the Court^e then assembled, made

humble protestaçon that out of their duety to God and his Ma^{tie} they could not giue their consent thereto: And thereypon he said he concealed that their ffl^s had rested satisfied and contented, but nowe they seemed resolutely to require it, w^{ch} he doubted was through the offers and moçions of some Brothers of the Companie who out of opposiçon to this Contract did propose this newe waye, and it was by some of them informed the Lord Treasurer that the whole ~~Companie~~ §Colony§ of Virginia had made petiçon purposely to that effect offeringe to bringe in all their Tobacco and that this petiçon had bin by himsele and ||some|| others concealed: w^{ch} howe True it was would appeare by the petiçon it selfe and the ~~Companies~~ §Counsell§ letter, w^{ch} m^r Deputy produced and were read beinge as followeth.¹

To the Right Honorable the Earle of Southampton and other the Lords and to the right worp^{ff} the Knights and the rest of the Counsell and Compagny for Virginia

Right Honorable²

The people heare hauing taken notice of his Ma^{tie}: late Proclamaçon against Letter the Importaçon of Tobacco into England have offered vnto vs the Petiçon berewthall sent desyringe vs to be a means soe to comend itt vnto yo^u as that itt may be p^sented to his Ma^{tie}: and his gracious answere thervnto obteyned, w^{ch} their desires togeather wth their §our§ owne, Wee doe hereby offer vnto yo^u humbly entreatinge itt may be deliuered in as humble and effectuell manner as may be seinge the life of the Plantaçon dependeth vpon the wellfare of itt And soe wee leave yo^u and the success therof to y^r blessinge of y^e Almighty & rest

Isames Citty Ianuary.
21th 1620.

Most humbly att yo^r Comaund

George Yeardley.
George Thorpe.
Tho: Nuce.
Nath: Powle.
Iohn Rolf.
Sam: Macock.
Iohn Pountes.
Iohn Pory Sec^r.

This copy exactly agreeth wth y^e orignall sent for
England in y^e Temperance.

Io Pory Sec^s

[221]

¹ This letter is cited in List of Records, No. 229, Vol. I, page 146, *ante*.

² The address of this letter is in the autograph of Nicholas Ferrar. From this point the handwriting is that of Nicholas Ferrar's assistant, referred to as Thomas Collett.

TO THE KINGS MOST EXCELLENT MA^{TY}

Petition of the
Collony

The Humble Petition of the distressed Collony in Virginia

Shewing y^t wheras¹ it pleased yo^r Ma^{ty} now many years since out of yo^r Religious desire to spread the Gospell of Christ and Princely ambition to enlarge yo^r owne Dominions to give incourragment vnto vs yo^r Ma^{ties} poore Subiect^e by many goodly priueledges and liberties vnder yo^r Ma^{ties} great Seale of England then w^{ch} wee could accompt no earthlie thinge more firme to adventure our lives and fortunes hither for those intent^e; In w^{ch} enterprize to tell how great things many of vs have suffered through the hunger alone, would be as incredible as horrible to reporte to yo^r sacred eares, w^{ch} difficulties wee by the ~~favour~~ || power || of God haveinge in some sorte ouercom, and brought our selvs to some abillitie of ~~Substance~~ || Subsistence || wthout any other help from England, butt onely by course of Marchandize are now like to be returned to the same or worse difficulties by the sinister practises of some principall psonns of our Company att home who pretend yo^r Ma^{ties} profit butt intendinge there owne more, have gone about to blow vs vpp att once wth a proclamacon w^{ch} they have p^ecured from yo^r Ma^{ty}: as wee hope vppon some false ground, prohibitinge our Importacon of Tobacco the onely Comodity w^{ch} wee have had hitherto meanes to raise towards the apparrellinge of our bodies, & other needfull Supplem^t other things of more reall value and constant sale requyringe more time in the growth then our necessities would allow and more help as to practise, then wee till of late have bine furnished wthall By w^{ch} course wee are plunged in soe great extremities y^t now ~~ther~~ remayneth neither help nor hope, but y^t wee must all here pish for want of clothinge & other necessities such as both o^r nature sometimes & breedinge may require wherby yo^r Ma^{ty}: shall not onely loss soe many good & loyall Subiects as have hither adventured their lives & substance in gods service & yo^r Ma^{ties}: but wth them y^t hope of a Teritorie as larg & as opulent to be made as any of those kingdoms yoⁿ now possess.²

May itt therefore please yo^r Ma^{ty} out of yo^r princely compassion, since wee are assured y^t yoⁿ tender y^e liues & wellfares of yo^r subiects beyound thousands of gold & siluer & yo^r royall word ratified by yo^r great Seale farr aboue, both either to revoke y^t Proclamacon & ||so|| restore us to ou^r antient liberty or otherwise to send for vs all home & not to suffer y^e heathen to triumph ouer vs & say wheris now their God soe shall wee all as wee are redy in duty bound pray for yo^r Ma^{ties}: long life and happie raigne.

whereby³ it appeared plainly that there was no Shaddowe nor coulo^r to gather such a sense as was informed to the Lord Treasurer: It

¹ The address and preceding words of this petition is in the autograph of Nicholas Ferrar.

² This letter is cited in List of Records, No. 229, Vol. I, page 146, *ante*.

³ At this point in the manuscript the handwriting changes to that of an unidentified copyist, referred to above as the "fourth copyist."

being onely intended for the obtayninge of releife against that absolute restraint of bringinge in any w^{ch} by the Proclamation procured by S^r Tho: Roe they were vtterly barred of: But before this petiçon was receaued the Parliamentt cominge there was liberty giuen to the Plantation to bringe in their Tobacco: Wherevpon the grace that they desired beinge obtainned from his Ma^{tie}, it had bin vaine to haue deliuered their petiçon.

S^r Edwin Sandys said that obseruinge the Collonies last conclusion of their petiçon, he sawe verie good ground for the vsinge of those wordē of quittinge the Plantation if they were vsed (w^{ch} yet he said he remembred not) for except the Companies did themselves accept of the Contract for sole Importaçon it was likely to haue bin giuen vnto others who made offer of so exceedinge and large a Revenue to his Ma^{tie} as could not possibly be by them raised but with exceedinge much prejudice to the Plantation w^{ch} they had brought to those termes as this petiçon nowe declared w^{ch} was to a direct resoluēon of quittinge the Plantation, so that it might be verie iustly said that if the Companies did not themselves vndertake the sole Importaçon it would be worse for them and in this sense and noe otherwise could that worde be vsed without a stronge and most absurd contradiction, for that they should be entended to signifie or intimated the feare of the Kings displeasure or indignaçon or the Lord Treasurers [222] or any others intent to take awaye the Plantations as is nowe made to be suspected and conceaued could not possibly stand in ~~any~~ reason and sense with those continuall prefaces and introducēons w^{ch} were ||propounded and|| vsed at all times in this buissines (vizt) that it was offered on his Ma^{ties} part out of his meere grace and royall intenēon for the good of the Plantaçon and from the Lord Treasurer out of an espeaciall loue and fauo^r vnto the Plantation as beinge himselfe one of the most auncient Aduenturers and Counsellors and therefore exceedingly affectinge the prosperity and encrease of the Plantations so as it might stand with the maintenance of his Ma^{ties} Revenues although with some abatement of that w^{ch} was offered by others who would not phapps haue that tender respect vnto the Plantations as his lp: desired: w^{ch} manner of proposinge the buissines beinge fresh in their memories and so sett downe in their Court booke he said he did appeale vnto

the iudgement of the Court then present whither there could be drawne any such sense from the worde of doeing worse and quitting the Plantations as is nowe pretended was conceaued: As for the worde (necessitated) w^{ch} was at Counsell Table alledged to haue bin spoken by a principall Member of this Companie in priuate, he said it was to be vnderstood, not of necessity of force ||but of necessity of Reason|| whereby men were willinge for the bettering of their former estate and for the preventinge of a worse, w^{ch} they might iustly feare to accept of that condiçon w^{ch} in it selfe was hard but in comparison of their former estate was easier:

M^r Gibbs said he neuer heard of this distinction before, and mervayled it was not vsed before the Lord and said that he was assured, there were 40 in the Court who vnderstood them otherwise:

But it was aunswared that these aunswares and interpretaçons were made at Counsell Table by many and m^r Deputy moued that the clearing of this pointe might be presently put vnto the iudgement of the Court, sayinge that he was verie confident that there would be found either not any at all or exceedinge fewe of that opinion.

W^{ch} moçon diuers of the Court approued but some fewe opposed sayinge that since the Court seemed generally to vnderstand them otherwise, and the Lord of the Counsell had declared themselues satisfied in that point, that therefore it was needles: It was also desired by them that it might be forborne for the maytayning of peace: But it was replied by the Lord Cauendish that this was the waye to make true peace by sellinge and determininge the [223] pointe in controversie: wherefore after a longe debate and opposiçon made herevnto by some fewe, the Court often and earnestly called vpon m^r Deputy to put it to the question: Wherevpon he said that he would first put to the question whither it should be put to the question or noe w^{ch} the Court well liked, and it was by a generall erecçon of hand ordered and agreed that the matter should be put to the question: But it beinge past fve of the Clocke it was desired that the continuance of the Court might be so longe vntill buissinesses were disspatched w^{ch} was accordingly ordered:

The continuance likewise of the Sum̄er Iland℄ Court vpon the Lord Cauendishes Proposition was ordered by a generall erec̄on of hand℄.

W^{ch} beinge donne and diuers of those that had opposed it, departinge out of the Court the matter was againe considered of and it was desired, ~~and it was desired~~ for the fuller vnderstandinge and clearing of the matter, that the question might be sett downe in writinge w^{ch} was accordingly donn, in two Questions w^{ch} were as followeth.

ffirst it was put to the question whither in passinge the Contract between his Ma^{tie} and the two Companies for Virginia and the Sum̄er Ilands for the sole Importāon of Tobacco there had bin euer any ouerawinge of any man by my Lo: of Southampton or my Lo Cauendish or any other by any psonall speach or carriage or by vsinge any word℄ of power either as in his Ma^{ties} name or the Lord Tr̄ers or the Lord℄ of the Counsell: It was by a generall erec̄on of hand℄ (no one dissentinge) denied that there had euer bin any manner of ouerawinge of any man in passinge the said Contract.

Secondly it was put to the question whither the matter hath not bin carried fairely, and by strength only of reason appearinge to the Court℄ and not otherwise: It was by a generall erec̄on of hand℄ (no one dissentinge) vnanimously confessed and approued to haue bin fairely carried and by strength of reason onely and not otherwise.

S^r Edwin Sandys hauinge desired (as he had don̄ often before) that they might proceed to the mayne buissines touchinge the Importāon of Tobacco deliuered that after longe arguinge at the Counsell board by the Opposite pty against the intended Contract, it pleased the Lord President with great grauity and wisdom̄e to moue that seeinge they disliked so much of this Contract they would propose some other course for the managinge of the Importāon and Sale of Tobacco whereby [224] the matter might be so settled as to giue more generall content still preseruinge a due regard to those twoe mayne end℄ namely the vpholdinge of his Ma^{ties} proffitt together with the benifitt of the Plantations.

Wherevpon m^r Edward^e proposed to the H^e that seeinge by their Letters Patent^e they were to paye onely 5 p Centū to the Kinge for custome without any other taxes or imposiçons w^{ch} 5 p Centū would not amount to aboue 3^d p^u for Tobacco notwithstandinge in regard of his Ma^{ty} fauo^r that the Companies and Plantaçons might haue the sole Importaçon of Tobacco they would double that 3^d and giue vnto his Ma^{tye} 6^d for euery pound of Tobacco w^{ch} he hoped his Ma^{tye} would be pleased graceously to accept seinge the Comodity could beare no greater burden with the welfare of the Plantation:

This Proposition beinge passed ouer as beinge of noe proffitt to his Ma^{tye}.

S^r Iohn Wolstenholme stood forth and (as well appeared out of premeditated thought^e) made a larger Proposition consistinge of 3 part^e w^{ch} beinge seconded againe and againe by another gentleman one of the Customers: he conceaued it to proceed from their agreed resoluçon And therefore as beinge a Proposition grounded vpon consultaçon and aduice and maturely concocted by men of good vnderstandinge, he would with fauo^r of the Court examine it in the seuerall part^e and so deliuer his opinion of the vertue and goodnes of it.

Hee said then that S^r Iohn Wolstenholms Proposiçon consisted of three branches, the first, that touchinge the Importaçon of Tobacco there should be a generall freedome so that euery man without restraint might bringe in what he pleased, and after it was brought in, might be m^r of his owne good^e. w^{ch} he thought would be a thinge of generall content to all men.

The second branch was, that the Companies and Plantaçons should paye here onely 12^d the pound of Tobacco for custome and Imposiçon and be discharged of these extraordinary burdens of Officers Sallaries and other Charges. [225]

The third branch, that the Companies and Collonies should be com^{manded} to bringe all their Tobacco and other Comodities into this Realme beinge a matter verie fittinge for diuers waightie consideraçons.

This beinge the Proposition and these the branches of it, he said he would offer to their consideraçon diuers reasons against them, thereby to drawe from other men, what contrariwise might be said in their defence and maintenance, that so by conflict of reasons on both side, the truth might better appeare and consequently the soundnes or vnsoundnes of the Proposition.

Hee said that to the first branch there offered themselues (as he thought to euery mans vnderstandinge,) three mayne exceptions; The first that by this vnrestrained liberty of bringinge in Tobacco from all places aswell from Spayne as the two Plantaçons there would growe here such a generall glutt of that Comoditie as would bringe downe the price to so lowe a proporcion as would discourage the Aduenturers and vndoe the poore Planters, the same beinge contrarie to the maine intent of the Contract w^{ch} was to raise the price of the Comodity to the generall benefitt of the Plantaçons Secondly it beinge averred before their H^{ms} that the meaner sort of Tobacco in Spaine may be bought for the value of 6^d or 12^d at the most, and on the other side it beinge alledged by the pty opposite to the Contract that the Tobacco of the Plantations could not possiblie be affoorded at lesse then 2^s 6^d the pound, it did necessarily followe that the Spanish Tobacco would be much cheap then the Tobacco of the Plantations and consequently would be first vented (to the extreame detriment if not beggeringe of all the poore Planters especially consideringe the nature of the Comodity w^{ch} could not be longe kept without wast and perishinge.)

A Third reason he said might be drawne from the wisdome of the late Assembly of Parliament where it beinge found by euident proufe and the Spanish Marchaunt^e confession that the Importaçon of Spanish Tobacco into this Realme had hindred the Importacon of Spanish money what by the price of the Tobacco itselfe and what by the vnder-sellinge thereof of our English Comodities for the sudden buyinge vp of the Spanish Tobacco to the value of 100000^l sterlinge by the yeare, w^{ch} hauinge so [226] continued for 10: or 12 yeares then last past, was conceaued to be one principall cause of the scarcity of money in this Realme, and therevpon the lower howse framed and passed a Bill

for the banishing of Spanish Tobacco, and for the sole Importaçon of that Comodity from the two Plantaçons And whereas also the nowe Lord Treasurer out of his like care and respect to the Welfare of this Realme had restrained the Contractors in this yeare last past from bringinge in of aboue 60000 waight of Spanish Tobacco, this Proposition settinge all at liberty and grauntinge a generall freedome of bringinge in Tobacco from all places might well be to the aduantage of some other Naçon, but certainly was preiudiciall and that in a high degree both to the wealth of this Kingdome and to the subsistinge of the Plantations.

Touchinge the second branch of S^r Iohn Wolstenhomes Proposition as it was made at the Counsell bourd (for in other places he had made it otherwise) that the Companies and Colonies should paye to the vse of his Ma^{tie} or the ffarmors of his Custome and Impost 12^d for euery pound of Tobacco imported, it seemed that it was much more then that Comodity could beare if the benefitt of the sole Importation were taken from them; ffor if it were true w^{ch} the Obiectors against the Contract avouched that the Tobacco in the Colonies stood them in 2^{ds} 6^d the pound, there beinge added thereto this 12^d, and 6^d at the least more for freight and other publike charges of the Plantations it followed that vnlesse the Tobacco were sold one with another at 4^s the pound, the Companies and Collonies should be losers by it of their principall^e whereas contrariwise there seemed no probable apparance, that in so great a glutt of Tobacco and the meaner sort of the Spanish Tobacco beinge so cheape and the Comodity beinge diuided into so many hundred^e of hand^e, that euer it would be sold at aboue 12^d or 2^s the pound at the vtmost and this he said was confirmed by the experience of sundrie later yeares, wherein our Tobacco one with another had not bin sold at aboue that proporcion: And although the Planters [227] could afford their Tobacco at 12^d p pound in the Plantations, yet it is cleare that this charge of Tweluepence and 6^d more must need^e cause that all they w^{ch} dealt in that Comodity should liue in a continuall losse to their vtter consumption, a veiwe whereof might be taken he said in the late great Magazine w^{ch} beinge comitted into the hand^e of a wise and prouident Director, after 6; yeares con-

tinuance by the fall of the price of this Comodity had brought a Stocke of 7000^{li} to lesse then 4000^{li} to the great discouragement of all future Aduenturers.

Nowe to the third branch of this Proposition that the Companies and Collonies should be comaunded to bringe in all their Tobacco, as likewise all other Comodities, ffirst into this Realme, from hence to be after vented by trade to other Naçons, he said he would not enlarge much vpon it because he vnderstood that this Proposition had bin formerly made by the H^c aboute a yeare since in his absence and answered by the Court^e in writinge and so exhibited to their H^{sa} yet this he would add that the Dealers in this Contract with the Lord Treasurer had at sundrie times acquainted his lp that the Tobacco of the Plantations beinge in point of interest of three seuerall natures the one part belonginge to the bodies of the Companies, another part to diuers Societies, as Southampton and Martins Hundred, a third part to pticuler Planters w^{ch} he thought was the greatest part; that for the Tobacco belonginge to the Bodies of the Companies, it was in the Companies power to bringe it alwayes in, But for the rest the Companies had no power to enforce them, they beinge as free by his Ma^{ty} originall Graunt as the rest of his Subiect^e inhabitinge in this Realme.

Howbeit they thought that as by the rigor of the former Contracto^r the Planters had bin driuen to seeke forraigne part^e for their marchandize, so nowe by the good vsage w^{ch} they might receaue vpon this graunt of sole Importaçon and sole sellinge they might be reduced to come hither againe as beinge their best markett butt whereas it hath bin alledged by a verie hono^{ble} pson, in waye of example that the Collonies of the Kinge of Spayne vp and downe the West Indies brought all that marchandize to Spayne and no other place he said that he thought that there might be some important difference, if the misinformaçons w^{ch} he had receaued from credible psons were true, the State of Spaine suffred noe other Comodities of the same kinde to be brought into that Kingdome w^{ch} was an exceedinge great benefitt to all his Indy Collonyes, w^{ch} fauo^r if it would please his Ma^{ty} to vouchsafe to the two Plantations, he doubted not but they would

gladly yeald [228] obedience to that cõmaund and this he hoped was their H^{ps} intent out of their fauo^r to the Plantations: But nowe as the Proposition was made by S^r Iohn Wolstenholme that without any such benifitt of sole Importaçon, they should be constrained to bringe in all their Cõmodities; he doubted that as it tended to the Customers priuate enrichment soe in short time it might redound to the ruine of the Plantaçons for the Colony in Virginia had and might haue many Commodities of smale price as Salt Pipestaues, ffish, Caueary and the like w^{ch} in other part℄ might be vendible at an indifferent price, but here not soe, the distance of place and great freight considered & consequently they were to be exported againe out of this Kingdome, nowe consideringe that within fiue or six yeares at the most the Kinge is to haue custome of all marchandize in Virginia it selfe if those good℄ should paye a second Custome here and after-ward℄ a Third Custome in forraigne part℄ where they are vented, who can doubt but these three Customes together with freight and other charges would so feed on the Cõmodity as to leaue smale sustenance for the Aduenturer and Planter But howesoeu⁹ it should please the Lord℄ to deliuer their cõmaund whither simply with a grace annexed for the sole Importaçon as in the Spanish Dominions for his part he would alwayes be the Sonn of obedience and doubted not but the Companies would informe themselues accordinge: Howbeit he thought it the part of well ordered duety both to yeald obedience to the Superiors cõmaund, yet in case of impossibility or publique mischiefe that might ensue, to give vp a true informaçon both of the one and other.

These reasons beinge generally approued and confirmed by many in the Court m^r Rider said he had somewhat to add to that w^{ch} was spoken by S^r Edwin Sandys vizt that the Plantations in the West Indies were founded by the Kinge of Spayne out of their owne Treasury and Revenues And the State of Spayne mainetayned the Garrisons there, together with a great Nauy for their vse and defence, whereas o^r Plantaçons ~~were~~ were both setled and supported by the charge of priuate Aduenturers, saue that it was added by another they had helpe by his Ma^{ty} grace of some Collecçon and Lot-

teries w^{ch} had bin expended meerely vpon the publike: Wherevpon the Court after mature debate and consideraçon desired it might be signified to their H^{ps} that they should be willinge in obedience [229] to their H^{ps} comaund to ||giue order for|| bring||ing|| ~~in~~ all their Comodities from the said Plantation for this yeare as much as in them laye, but wheereas diuers Shippes haue bin sett out by priuate Brothers of the Companie and also some belonginge to Planters in Virginia it is not in the Companies power to compell or force therevnto: And further the Court desired that it might be humbly signified to their H^{ps}: that as they had formerly made remonstrance to their H^{ps} this causinge of all Comodities to be brought in, would be a meanes not onely much to ||their|| preiudice but vtterly to ouerthrowe the Plantations for the reasons w^{ch} they had formerly presented to their H^{ps} and some others nowe alledged w^{ch} the Courte desired might be drawne vp and againe presented to their H^{ps}.

M^r Deputy acquainted the Court that himselfe and the Auditors as much as his time would giue him leaue through so great and many interruptions as had of late hapned, had begun the auditinge of the old Magazine Account w^{ch} he founde somewhat more intricate and difficult then he expected but of that he would farther aduise them hereafter, nowe he said he was beinge entreated (by diuers of the Aduenturers) to propound to their consideraçon what they would do concerninge the moneyes due vnto them nowe almost fower Monethes from m^r Alderman Iohnson and m^r Essington for Tobacco sold vnto them wherevpon they yet owed 800^{li} as by the Account vnder m^r Essingtons owne hand appeared.

Alderman Iohnson said there was 500^{li} lost by that bargaine that himselfe did but firme the Bill for m^r Essington that vpon the Account of the Magazine, there was owinge to him aboue 300^{li} w^{ch} he would be allowed before the 800^{li} should be paide.

M^r Deputy replied that m^r Alderman was the principall in the Bill and ~~was~~ not the Security. That it was true that by the Account m^r Alderman was made ~~Debitor~~ Creditor for 3000^{li} but he said that the Auditors conceaued the greatest part of it was to be deducted

vizt neare vpon 100^{li} laide out in Charge against Captaine Bargaue against w^{ch} the Companies had alwayes protested that they would not allowe anythinge: Beside vpon the Susan Account there was due 100^{li} ~~for~~ from Alderman Iohnson: And further whereas Alderman Iohnson brings good So^mes ||paid for interest of moneys|| they cannot finde by the Account but that there must be a great deale of abatement in regard that they finde by the Account that he kept good So^mes of money in his hande [230] at the same time: In the end the Court desired m^r Alderman to provide his defences in these pointe against the next Court: And whereas m^r Deputy acquainted them that there was remayninge from diuers p^{rs}ons debts longe due vizt

from m ^r Morris Abbott.....	38 ^{li} —7 ^s —0 ^d
from m ^r Nicho: Leat.....	43 —0 —0
from m ^r W ^m Caninge	88 —5 —7

M^r Bull and m^r Caswell are desired to entreat those gentleman to paye in their moneyes, or el^e not to take it ill that the Companie shall by course of Lawe be enforced to seeke it.

AT A COURT HELD FOR VIRGINIA
ON ffRIDAY IN THE AFTERNOONE
THE 7^o OF MARCH i622:

PRESENT

Right Hono^{ble} Lo: Cauendish.
Lo: S^t Iohn.
Lo Padgett.

S ^r Edw: Sackuill.	m ^r Balmford.	m ^r Christ: Brooke.
S ^r Hum: May.	m ^r Shippard.	m ^r Buckeredge.
S ^r Edwin Sandys.	m ^r Wheatly.	m ^r Etheridge.
S ^r Iohn Brooke.	m ^r Widdowes.	m ^r
S ^r Iohn Dauers.	m ^r Withers.	m ^r Hackett.

S ^r Tho: Wroth.	m ^r Mellinge	m ^r Webbe.
S ^r Roger Twisdell.	m ^r Bull.	m ^r Rich: Bennett.
Collo: Ogle.	m ^r Caswell.	m ^r Barbo ^r .
m ^r Gibbs.	m ^r Addison.	m ^r Tho: Colethurst.
m ^r Wilmer.	m ^r Caninge.	m ^r Tho: Iohnson.
m ^r Geo Garret.	m ^r Nicholle.	m ^r Rider.
~~m^r Meddus.~~	m ^r Neuill.	m ^r Elkington.
m ^r Paulavicen.	m ^r West.	m ^r Swinhowe.
m ^r Do ^r Meddus.	m ^r Ditchfeild.	m ^r Leyver.
m ^r Robt Smith.	m ^r Meuerell.	m ^r Bennett.
m ^r Binge.	m ^r Couell.	m ^r Downes.
m ^r Berblocke.	m ^r Viner.	Capt: Bargaue.
m ^r Tomlins.	m ^r Rogers.	m ^r Dike.
m ^r Deputy.	m ^r Ley.	m ^r Taylo ^r .
m ^r Io ffarrar.	m ^r Waterhowse.	m ^r Copland.
m ^r Sandys.	m ^r Moorer.	m ^r Kirrell.
m ^r Bland.	m ^r Hobbs.	m ^r ffogge.
m ^r Barbo ^r .	m ^r ffothergill.	m ^r Masterson.
m ^r Butler.	m ^r Gough.	m ^r Rogers.
	m ^r Wolstenholme.	m ^r Boothby.
		m ^r Woodnorth.
		m ^r Dent.
		m ^r Darnelly.
		~~m^r Penistone~~ m ^r Woodall .
		with diuers others. [231]

The Court held the first of this present Moneth beinge read there was obserued an omission in the entry of my Lord Cauendishes report of part of my Lord Treasurers speach at Counsell Table touchinge m^r Alderman Iohnson namely that after the Lord Treasurer had giuen a verie Hono^{ble} testimony before the Lordē of the good carriage of the buissines of the Plantation for these fower yeares last past, (whereby his lp: said it had thruiuen and prospered beyound beleife and almost miraculously) The Lord Trer added further that in the former yeares when Alderm: Iohnson was Deputy and the buissines was in other handē it was carried leandly, so that if they should be called to called

to an account for it their estat^e could not aunswear it w^{ch} word^e diuers ~~could~~ ||did|| well remember they heard that my Lord Treasurer spake them at that time and earnestly desired they might not be omitted.¹

Vpon this m^r Caninge said, that if that om̄ission were added, he praid it might likewise be remembred that S^r Edwin Sandys was an assistant to S^r Thomas Smith, ||in those tymes|| and that nothinge was donne without him.

S^r Edwin Sandys ||replied|| that true it was he was often times ioyned with S^r Thomas Smith by the appointment of the Court^e in many waightie buissines concerninge the Plantation; wherein he gaue his faithfull aduise and Counsell: But said withall it was as true that comonly what was then donne in Terme times duringe his abroad in Towne was for the most part vndonn againe in the vacations when he was absent out of Towne.

At length m^r Deputy beinge earnestly called vpon by diuers put it to the question, whither they would haue that om̄ission touchinge m^r Alderman Iohnson added in his due place in the former Court It was by plurality of hand^e ordered that that om̄ission should be added accordingly as they were spoken by the Lord Tr̄ar and reported by the Lord Cauendish.

M^r Binge likewise took exception at the settinge downe of some word^e in the said Court touchinge him; affirminge that he did not saye at Counsell Table that the Plantation should be taken from them, for these word^e he said were spoken in another place.

Wherevpon for that it was not certainly remembred whither they were spoken by m^r Binge or noe at Counsell Table the Court caused [232] them to be strooke out.

M^r Wolstenholme also tooke exception to the aforesaid Court sayinge that S^r Iohn Wolstenholmes Proposition at Counsell Table was not rightly related, for that he made it there with some abatement of the Custome.

¹The rough draft and original copy of this order are referred to in List of Records, Nos. 421 and 422, Vol. I, page 166, *ante*. There are a few changes in the order.

VII. Writing of Edward Collingwood

With Endorsements by John Ferrar and himself, from the Ferrar Papers

and Trueman Squa building
at the corner of the South

[illegible]

S^r Edwin Sandys answered that S^r Iohn Wolstenholme made this Proposition in three seuerall places. ffirst in my Lo: Treasurers Chamber and secondly at a Virginia Court held in this place (speaking here indeed of reduceinge 20000^{li} w^{ch} 400000 weight at 12^d p pound would rise to 20000 merke) but at Counsell Table he made it otherwise and spake not there of any abatement w^{ch} he conceaued was donn out of good respect and caution: because it was not fitt for S^r Iohn Wolstenholme before the Lordē to make abatement of the Kings proffitt but rather to endeauo^r the aduancement thereof.

But diuers present in Court that were then also present at Counsell Table affirmed that S^r Iohn Wolstenholme there deliuered the Proposition, as S^r Edwin Sandys had reported it, and as it was sett downe: And so the Court seeminge well satisfied, and no man makinge any further obiection m^r Deputy was desired to put the said Court to the Question; (w^{ch} those former words beinge strooke out) was in all other pointē confirmed to be truely sett downe by a generall ereccon of handē.

After this the Lord Cauendish acquainted the Court with an order he receaued from the Lordē of the Counsell concerninge the bringing in of all their goodē and Coñodities ||the Copie wherof|| doth here followe (vizt)

At Whitehall the 4th of March
1622 in the afternoone.

Present¹

Lo: Treasurer.	m ^r Treasurer.
Lo: President.	m ^r Controller.
Lo: Marshall.	m ^r Secr ^e Caluert.
Lo: Brooke.	m ^r Chancello ^r of the Eschequo ^r .
Lo: Chichester.	M ^r of the Rollē.

Whereas by an order of the Bourd dated the 24th of October 1621 it was vpon diuers waightie and iust consideracons vpon full hearinge of the Vndertakers of Virginia ordered that no Tobacco or other marchandize be transported out

¹This order is entered in the Privy Council Register, James I, Vol. V, page 618. See List of Records, No. 416, Vol. I, page 165, *ante*.

of any of the Plantations of Virginia into any forraigne [233] part℥ vntill the same should be first landed here in England, and his Ma^{ty} Customes paid therefore: Their H^{ps} hauinge bin informed that notwithstandinge the same order, there haue verie lately certaine Shippes laden with Tobacco both from Virginia and the Summer Iland℥ bin conveyed into forraigne part℥ without euer landinge here: The Bourd hath thought fitt to renewe the said order, as well for Virginia as the Summer Iland℥: and withall to enioyne the Gouvernors Officers and all other perticuler Members of both those Companies who may any waye be enteressed therein, to giue order, as well to prevent the like fault hereafter as to redeeme that already comitted by procuringe the said Shippes to returne hither, vpon those penalties that the refractories and Contemnners of the authority of the Bourd may expect: And the Gouvernors and Officers of the said Companies, are to take notice hereof and to publish it in their Court℥ respectiuey and to looke that it be executed accordingly

||Ex^r W: Beacher||

W^{ch} beinge read m^r Deputy signified that this Proposition of bringinge in all their Comodities was made vnto the Virginia Company by their H^{ps} neare about 18 Moneths since Wherevpon the Companie made an Aunsweare contayninge diuers reasons both of the impossibility to performe it and also the great inconvenience w^{ch} would followe to the Plantacon in case they should be compelled to bringe all their Tobacco in hither: But their H^{ps} further pressinge them they made a second remonstrance to their H^{ps} wherein they made an humble protestacon that out of their bounden duety to God and his Ma^{ty} they might not agree therevnto, wherevpon hauinge not heard any thinge more since that time ||m^r|| Deputy said he conceaued their H^{ps} had rested satisfied wth the reasons then presented vnto them; That this should be nowe againe by so strict a comaund reuiued, he could not coniecture whence it arose except it were from some of the late Opposers of the Contract diuers of whome (as is well knowne) did in my Lo Treasurers Chamber professe that their desire was all should be brought in, and it was there also by m^r Wrote confidently affirmed that it was the desire of the Planters in Virginia to bringe in all, and that they had to that purpose petiçoned to the Kinge, but they said their petiçon was concealed and neuer deliuered.

S^r Edwin Sandys said that this Proposition had heretofore bin often times debated in priuate with my Lord Treasurer vnto whome the

Impossibility of bringinge in all was apparantly shewed in respect the Comodities in Virginia had three seuerall sorte of Owners vizt first the Companie, Secondly pticuler Hundredē ||belonging to Aduenturers here|| Thirdly priuate Planters there residinge, ouer w^{ch} two later sorte the Companie had noe [234] power ||at all|| to restraine them by lawe, and diuers of them hauinge Shippes of their owne, it was not in the Companies power to prevent them to carry their goodē whither they please.

But yet it was signified vnto my Lord Treasuror, that such a moderate and faire course might be taken as to induce them all willingly to bringe in their Comodities, namely if his Ma^{tie} would be so graciously pleased to affoord them the like priuiledges and fauo^r as the Kinge of Spayne doth to his Collonies in the West Indies (vizt) that what Comodities the Plantations shalbe able to serue this Kingdome with may be prohibited from beinge brought in ~~to~~ ||from|| forraigne parte and without such a qualificacon he said his opinion was the bringinge in of all Comodities was a Proposition extreamely preiudiciall to the Plantacons.

Wherevpon the Court entred into a serious consideracon of this Proposition, and hauinge caused the former Aunsweares to be distinctly read and hauinge alsoe waighed and considered of them well, and diuers other waightie reasons beinge newly alledged after longe and mature deliberacon, it was resolved by the Court to present an humble aunsweare to their H^{ies} declaringe the impossibilities and inconueniences that would acerewe vnto the Plantacons by this Proposition: Wherevpon although it was by some propounded that it might be referred to the preparacon of a Co^mittee, yet the Court thought it vnecessarie to loose time in so plaine a case, and therevpon S^r Edwin Sandys and m^r Christofer Brooke were by the Court desired, takinge both the reasons that had bin formerly presented to their H^{ies} by the Companie together with those that were nowe newly alledged into their consideracon, to drawe vp a Breife Aunsweare, w^{ch} in regard the matter was so well prepared and digested to their handē was conceaued might be don duringe the sittinge of the Court: Wherevpon they withdrew themselves and the Court was continued by ereccon of handē so longe as need should require.

M^r Binge moued for a Coppie of the Petiçon that was put vp against him at the last Quarter Court for Virginia: wherevnto some replied the Court had made no entry thereof, in respect it had no name therevnto: But m^r Binge still earnestly pressing for a Coppie the Secretary was willed to fetch the originall [235] W^{ch} beinge brought in was read and demaund made, whither ~~any~~ ||they|| would acknowledge the said writinge to haue bin put in by him, but none tooke it vpon himselfe in pticuler: but in generall the whole Court seemed to beare Wittnesse to the trueth thereof, and in pticuler one hono^{ble} and noble person that had in the Quarter Court spake verie earnestly against it, nowe said, he did it out of loue to m^r Binge esteeming it so true that if the Court had entred into examinaçon thereof, they could not haue donn lesse then was there required, and diuers others openly affirmed that at the Quarter Court when it was first exhibited, they conceaued it verie true and fitt for the Court to haue proceeded in it, but onely in regard there wanted the Authors name that should haue bin subscribed therevnto, wherefore they then rather gaue waye to lett a good thinge passe and sleepe then to giue a President of such an inconvenience as might arise by takinge accusaçons wthout knowledge of the Authors.

Herevpon it was by diuers moued that since m^r Binge had so much misconstrued and traduced the Companies proceedinge in this pointe, as to charge them with iniustice and wronge for reading of it, whereas he rather should haue acknowledged their moderaçon and speaciall fauo^r to him in not proceedinge thereon, that therefore the ground of the Companies refusall might stand cleared: It was desired that it might be put to the question whither the Companie did not thinke the materiall part℄ of the said writinge to be true w^{ch} moçon was generally well liked and so without any consideraçon of his demeano^r since that time, it beinge put to the question whither the Companies did conceaue that writinge at the time it was exhibited in the Quarter Court, to be in substance and in the materiall point℄ of it true, for those things alledged against m^r ~~Wrote~~ Binge and m^r Woodall it was by a generall erecçon of hand℄ onely three dissentinge, adiudged that the writinge was in substance true at the time it was exhibited.

M^r Binge likewise moued that he might haue a Coppie of that w^{ch} the Lord Cauendish had reported that he had spoken at the Counsell Table: Wherevpon m^r Deputy put it to the Question and by a generall erec^on of hande it was ordered that the Secr^e should giue him a Coppie.

S^r Edwin Sandys and m^r X^per Brooke brought in an Aunsw^r drawne vp accordinge to the head^e giuen w^{ch} was as followeth. [236]

The humble Aunswear of the Companies for Virginia and the Summer Ilands to the right Hono^{ble} the Lords and others of his Ma^{ty} most Hono^{ble} Priuy Counsell touching their H^{ps} Proposi^on and Comaund for the Importinge of Tobacco and all other marchandize from the said Plantations into England.

May it please yo^r Lo^{ps}

The Companies holdinge it their duties to obserue yo^r Lp^s comaund^e will proceed accordingly to the best of their powers.

Notwithstandinge in reguard of some Impossibilities on their part^e to put the same in full and effectuall execu^on, and in reguard also of the great detriment w^{ch} in their vnderstanding^e would redound thereby to the Plantations they hold it also their duties humblie to offer to yo^r L^{ps} graue considera^ons the perticulers ensuinge.

ffirst they beseech yo^r L^{ps} to consider that these Companies beinge not as Companies of Merchaunt^e for the menaginge of Trade but for y^e transporting and settlinge of people in those vnhabited Territories ynder good gouernment and consequently for the enlargement of his Ma^{ty} Dominions, haue noe power to dispose of his Ma^{ty} Subiect^e planted in those part^e either for their persons good^e or possessions, otherwise then accordinge to his Ma^{ty} Letters Patent^e and the Lawes of this Realme of w^{ch} they and their posterities inhabitinge in those Plantations are by expresse word^e foreuer made free and naturall Subiects: Of some of w^{ch} Letters Patent^e the verie originalls, and of other some authentick Coppies haue bin transmitted vnto the Plantations and are there remayninge with them: So that the power of the Companies cannot extend to the infringinge of any liberty or freedome graunted by his Ma^{ty} to his Subiect^e placed or to be placed in the said Plantations.

Secondly yo^r H^{ps} may be pleased to be aduertised that the Companies by expresse word^e in his Ma^{ty} Letters Patents are equalled in their priuiledges

and ~~liberties~~ immunities to any other Companie or Corporaçon for trade or discouery and it is well knowne that both the Muscouy and sundrie other Companies haue alwaies enioyed the liberty of carryinge their Comodities to the best market at their pleasures and haue vsed the same accordingly.

Thirdly these Companies haue graunted diuers Subpatent with the same liberties and priuiledges as they themselues enioye whereby the Patentees haue bin induced to goe ouer in pson to those Plantations (sundrie of them beinge of noble and worthie ffamilies) and to expend some of them great Sommes and others their whole estat in the said Plantaçons [237] And it is not nowe in the Companies power to reuoake or restraine their former Graunts.

And they conceaue that the bare attempt thereof would be a great dishartninge of all present and future Aduentures.

Nowe touchinge the damage and inconveniences w^{ch} would ensue from hence to the Plantations they humbly beseech yo^r H^{ps} to take also into yo^r fauourable consideraçon these other pticulers.

Many Comodities do nowe begin and are like to arise in Virginia w^{ch} by reason of the charge of freight, by the greatnes of distance will not be vindible in England at any savinge price as namely ffish Caueary, Pipestaues, Quantities of Sassafra Salt and the meaner sort of Tobacco w^{ch} in other forraigne part may yeald some reasonable proflitt, but beinge brought hither will hardly discharge the Customes: ffor it is to be considered that after 5 or 6 yeares his Ma^{tie} is to haue custome for all marchandize in Virginia it selfe, then to pay here a second custome and afterward a Third in forraigne part whither these Comodities must of necessity be exported will proue insupportable and to the great hinderance and decaye of the Plantaçons.

Yo^r H^{ps} may be pleased also to vnderstand that besid that sundrie of the Inhabitants there haue Shipps of their owne, the Shipps w^{ch} carry Passengers thither from hence do trade with them also and barter their Comodities most of w^{ch} Shipps afterward proceed on other voyages and returne not directly for England w^{ch} if they were forced so to doe they neither would transport thither Passengers nor barter Comodities.

They haue begun a Trade from Ireland to Virginia whereby the Collony is supplied from thence with Cattle and other necessities at a much cheaper rate and they haue passed their Contract to repay them in Tobacco w^{ch} if they shalbe compelled to bringe ||first|| into England the Trade with Ireland is like to perish in the verie begiñinge to the exceedinge preiudice of the Colony

whose want^e we knowe not howe to Supplie but by these and the like meanes our Stock^e beinge vtterly spent and exhausted.

Lastly yo^r llp^s may be pleased to be aduertized that by his Ma^{ty} Letters Patent^e wee are expressly restrained from concludinge of any thinge touchinge the settinge of Trade otherwise then in o^r s^hower^s great Quarter Court^e to be held in the fower termes.

Neuertheles in the meane time wee shall doe our best endeauo^{rs} for holdinge of the Trade so much as may be to this Realme w^{ch} wee suppose can by no ~~other~~ meanes be so well effected as by the continuance first of his Ma^{ty} || great || grace and next of yo^r llp^s accustomed fauo^r to the Planta^{ti}ons.

W^{ch} beinge deliberately read the Court did by a generall erec^{ti}on of hand^e ratifie and well approue thereof and desired the Lo: Cauendish and y^e Lo: Padgett and S^r Edw: Sackuill to present the same to their llp^s in the name of the Companies. [238]

These Shares followinge beinge propounded at the last Court and no man nowe takinge exception were admitted vizt.

S^r || M^r || Henry Sandys who had 5 Shares assigned vnto him by his ffather S^r Edwin Sandys.

ffrauncis Bickely and Robert Alden who had one share a peece assigned vnto them by ^{tho} Viner.

There were nowe also propounded the passinge of these Shares followinge.

One share to Richard Middleton by Iohn Budge.

Two Shares ~~by~~ || to || Richard Biggs of London Haberdasher by William Grosan.

AT A COURT HELD FOR VIRGINIA
ON WEDENSDAY IN THE AFTERNOONE
THE 19TH OF MARCH 1622

PRESENT

Right Hono^{ble} Lo: Cauendish.
Lo: Padgett.

S ^r Io Brooke.	m ^r Paulavicine.	m ^r Newport.
S ^r Edw: Sandys.	m ^r Caswell.	m ^r Hackett.
Collo: Ogle.	m ^r Copland.	m ^r Tatam.
S ^r Io: Dauers.	m ^r Balmford.	m ^r Hobbs.
S ^r Edw: Horwood.	m ^r Thaire.	m ^r ffarley.
m ^r Nicho: ffarrar Dpt.	Capt Bargraue.	m ^r Edwards.
m ^r Geo: Garrett.	m ^r Wheatly.	m ^r Hurd.
m ^r Io ffarrar.	m ^r Wiseman.	m ^r Buckeridge.
m ^r Tomlins.	m ^r Addison.	m ^r Sheldon.
m ^r White.	m ^r Rogers.	m ^r Robert ~~e~~ .
m ^r Wilmer.	m ^r Ley.	m ^r Seaward.
m ^r Robert Smith.	m ^r Geo Smith.	m ^r Iadwin.
m ^r Berblocke.	m ^r Kirby.	m ^r Io Hitch.
m ^r Meuerell.	m ^r Tho: Shippard.	m ^r Browne.
m ^r Ditchfeild.	m ^r Baker. ¹	m ^r Birkett.
m ^r Rich: Bennett.	m ^r Swayne.	m ^r Cuffe.
m ^r Bland.	m ^r Widdowes.	m ^r Norwood.
m ^r Procter.	m ^r Swinhowe.	m ^r Edw: Waterhowse.
m ^r Barbor.	m ^r Stone.	m ^r Dike.
	m ^r ffra: Waterhowse.	m ^r Pollard.
		m ^r ffaucett.
		with diuers others.

The Court held the seauenth of March was nowe read, whereat no man takinge exception after some pause, m^r Deputy put it to the ques-

¹ Written over the word "Birkett" by Ed. Collingwood.

tion, whither the Companie conceaued that Court in effect and substance to be rightly sett downe: Wherevpon it was by a generall ereccon of hande (no one dissentinge) approued to be rightly sett downe. [239]

This donne the Lo Cauendish acquainted the Companie with what had passed the last Tuesday morninge before the H^l. of the Counsell touchinge m^r Binge who for his sundrie misdeameno^{rs} and insolent speeches vsed not onely concerninge the Ea: of Southampton a Member of that Bourd but also of a higher consequence was comitted to the Marshalseas and before his deliuery from thence is to giue the said Ea: fittinge satisfaccon as may appeare by their H^{ps} order.

This ended the Lord^e havinge promised to fall into the buissines of the Contract it was growne so late as their H^{ps} deferred it till the Afternoone where the Companie beinge againe present, the Lord Treasurer thought fitt, because there were but a Thynne Counsell (as then) to deferr the hearinge till the next ffriday morninge, but his lp: said that hauinge moued the Lo: Treasurer and m^r Chauncello^r of the Exchequo^r that the Opp||osers||¹ against the Contract might put their proposicon in writinge as the Companie intended to sett downe theirs, the Lord Tr^{er} answered, that that was not the question for the Kinge did not in this Contract respect his owne proffitt, ~~as they~~ ||somuch as he|| did the good of the Plantations: And therefore seeinge it had bin alledged that the bargaine concluded on was but comparatiuely good; his lp: wished if a better way could be found out for the good of the Companie and Colony, that might be thought vpon and propounded at the next meetinge.

To w^{ch} end his lp: said he caused this Court to be called and warning thereof to be giuen to all those that opposed the Contract although he could see but fewe of them nowe present. But his lp: said, that since the Lord^e had so nobly made profession of their ~~duty~~ ||desire|| and willingnes in fauo^r of the Plantations to yeald to an easier bargaine, he thought fitt nowe that the Court should enter into a present and serious consideracon howe that might be accomplished.

¹ Written over "Oppugners."

Wherevpon it was moued that those that haue so maynely oppugned the Contract, would please to acquaint the Court (as were fitt) what newe Proposition they had to present that might be of greater ease and benifitt vnto the Companie and Colony to the end it might be nowe considered of and debated, and in fine brought to some resolution what should be fitt to moue to the Lordē (but there was no man although it were longe expected, that offered any newe Proposition) and diuers of the Companie, declared their opinions to be that the Courtē should make most vse of this noble fauo' of the Lordē, by seeking rather to make the Contract lighter in some pointē then by attempting any newe waye, w^{ch} course the whole Court generally assented vnto. [240]

S^r Edwin Sandys moued them to take the seuerall partē of the Contract into consideraçon and to reexamine what goode or euill each mayne branch conteyned, and to confirme that w^{ch} shall appeare to be to the benifitt and aduantage of the Plantations and desire a leuiaçon in that w^{ch} shalbe hard or preiudiciall W^{ch} manner and order the Court exceedingly approued and accordingly proceeded first therefore it was considered and argued whither the sole Importaçon of Tobacco vizt That none should be brought but from the Plantaçons (w^{ch} S^r Edwin Sandys said was the foundaçon of the contract) together with the inhibitinge the plantinge thereof in England and Ireland were absolutely necessarie: This proposiçon of sole Importaçon was after much debate and examinaçon found to be so absolutely necessarie for the Companies as thereon depended the verie life and subsistence of the Plantaçons. Wherevpon it beinge put to the question it was by a generall erecçon of handē (no one dissentinge) agreed vnto and adiudged that the sole Importaçon was absolutely necessarie for the mayntenance of the Plantaçons and that no preiudice nor damage could be greater to the Plantaçons, then to be deprived thereof.

Secondly S^r Edwin Sandys propounded to the consideraçon of the Court the Couenant of beinge tyed to bringe in a certaine quantity of Spanish Tobacco w^{ch} was by diuers said to be the hardest part and article in the whole Contract diuers estimatinge it to be to the preiudice of at least 40000^{li} waight p Annū to the Plantations in regard

that whatsoever the Spanish Tobacco did arise to was taken awaye from the Plantations: Wherevpon it was generally desired that his Ma^{tie} and the Lordē might be petitioned, that the Companies might be freed from this condiçon, yet withall diners of the Court professed, that since by the Contract it was to be but for two yeares, and without the Contract it would perhapps be for euer, that therefore it might withall be declared vnto the Lordē that if so be their H^{ies} should not thinke fitt for some higher reasons then their Courtē could conceaue, to graunt this desire, the Companies did not desire to breake the Contract although it were ioyned with this burden: Wherevpon S^r Edwin Sandys made the Proposition that followeth, That whereas by the Contract they are tyed by Couenant to bringe in—80000—waight of Spanish Tobacco in the first two or three yeares, whither they did not thinke fitt [241] it be signified to the Lordē of the Counsell that they do not vary from that agreement: But if it shall please their L^{ies} to mediate with his Ma^{tie} so farr in fauo^r of the Plantaçons ~~and~~ §§as§ that the Contract may be discharged of that couenant either in whole or in part, ~~that~~ they ||shall|| take it for an extraordinary fauo^r, and be a very great encouragement both to Adventurers and Planters: This Proposition beinge likewise well approued was put to the question and by a generall erecçon of handē (no one dissentinge) desired the Lordē might be earnestly moued to that effect as was proposed.

Thirdly S^r Edwin Sandys proposed to the consideraçon of the Company, what retribuçon they would giue to the Kinge in case his Ma^{tie} should graunt vnto them the benefitt of sole Importaçon and discharge the Contract of the said Couenant of bringinge in —80000 waight of Spanish Tobacco for without a Retribuçon there was litle hope or reason to expect so great a fauo^r of his Ma^{tie}. Touchinge w^{ch} he proposed whither it were not fitt to desire of his Ma^{tie} and their H^{ies} that they would please to accept of a fourth part of their Tobacco as was at first offered to the Lord Treasurer and that this retribuçon might be taken in Specie that is to saye in the Comodity of Tobacco rather then in money: This proposiçon was well approued of and beinge put to the question it was by a generall erecçon of handē (noe one dissentinge) desired it might be soe proposed to the Lordē.

ffourthly whereas the Customers (as was informed by diuers of those that opposed the Contract) haue offred in fauo^r of the Plantations (as is pretended) to make abatement of 3^d Custome whereby they shall onely paye but 3^d p pound w^{ch} the Companies notwithstandinge do finde to be more then by lawe is due vnto them, (they beinge by their Letters Patents to pay but only 5th p Centū) It was therefore moued that this alleviaçon likewise in pointe of payment, might be humbly petiçoned of the Lordē, and that it beinge obtained it might accordingly be inserted in the Articles of the Contract, but if the Customers shall not be willinge herevnto, then to beseech thier ll^{ps} that the Companie may be p^mitted to take the benifitt of the lawe in defence of the priuiledges of their Patent, whereby his Ma^{tie} also shall receaue much ease in his Third part, This Proposition was well approued of and by a generall erecçon of handē no one dissentinge ordered it should accordingly be humbly offred to the Lordē. [242]

ffiftly it beinge taken into consideraçon whither it were fitt to moue the Lordē for mitigaçon of the freight for his Ma^{tie} part as he desired: It was generally conceaued fitt to passe it ouer and onely mençon it as an inducement to their other requestē seinge the Companies cannot saue much thereby and yet the Supposiçon that the Kinge should loose much might be an impediment to their other desires.

||6.|| That whereas by the Contract the Companies are to haue a sole sale, S^r Edwin Sandys propounded whither they did desire to haue a sole sale rather then to leaue it free for euery man to take out his two Thirdē, and leaue the Kinge his Third, considering if this generall liberty of a free sale should be graunted, both the generall sale would be much hindred and the Kings Third would hardly be sold at all: This Proposition after some deliberaçon was put to the question and by a generall erecçon of handē (no one dissentinge) the Companie agreed to insist vpon a sole sale, and ordered that their approbaçon of a sole sale should accordingly be signified vnto the Lordē.

Seauently S^r Edwin Sandys offered vnto the consideraçon of the Companie whither they did not thinke fitt it be propounded to the Lordē in fauo^r of the poore Planters: That whereas by the Contract

they are to Account for his Ma^{ty} part euery halfe yeare; they hauinge bin informed that the Lord Treasurer wilbe pleased for reliefe of the Planters, that the payment be made but once a yeare at the yeares end to shewe that if it shall please their llp^s to graunt this fauo^r, they shall haue the better meanes to releiue the poore Planters as is desired it was by a generall erec^on of hande ~~denied~~ (§no§ one dissenting) desired the Lord^e might be moued herevnto.

Lastly it was propounded to the consideracon and iudgement of the Court, that in case before the Lord^e of the Counsell the Opposers should make some Proposition for the abatement of the Custome and Imposi^on, vpon condi^on the Companies yeald to bringe in all their Tobacco and there be left a free Importa^on from other places; whither the Companie did conceaue their estate bettered in this ~~in this~~ manner more then it was by the Contract, After longe and much debate, it beinge in the end put to the question, it was by a generall erec^on of hande (noe one dissentinge) adiudged that these two condi^ons propounded vizt that the Companie should be bound to bringe in all, and yet a freedome graunted to bringe in from other parte would vtterly ruine and ouerthrowe the Plantations and that [243] although the charges were brought downe to Six pence yet the damage would be farr greater then the ease.

Accordinge to these seuerall head^e proposed and agreed on the Co^{rt} earnestly desired the

Lo: Cauendish	S ^r Iohn Dāuers
S ^r Edw: Sackuill	2 Deputies &
Collo: Ogle	m ^r White
S ^r Rob: Killigrew	

or any fower of them would please to drawe vp a Remonstrance of their said humble Proposition and Peti^on to the Lord^e of the Priuy Counsell and present the same vnto their llp^s in the name of the Companie.

A mo^on beinge made for a Co^mission for a Shippe w^{ch} m^r Barbo^r settē out for disconery and a fishinge voyage, The Court ordered a Co^mission to be drawne vp to that purpose and to be sealed.

AT A COURT HELD FOR VIRGINIA
ON MONDAY IN THE AFTERNOONE
THE 24TH OF MARCH 1622

PRESENT

Right Hono^{ble} Lo: Cauendish.

S^r Io: Brooke.

S^r Edwin Sandys.

S^r Io: Dauers.

S^r Nath: Rich.

S^r Tho: Wroth.

S^r Edw: Horwood.

Collo: Ogle.

S^r Sam: Argall.

m^r Iohn ffarrar.

m^r Deputy.

m^r Alder: Iohnson.

m^r Gibbs.

m^r Phesaunt.

m^r Scott.

m^r Caninge.

m^r Dike.

~~m^r Caninge.~~

Capt: Bargaue.

m^r Moorer.

m^r Bland.

m^r Barbo^r.

m^r Mellinge.

m^r Downes.

m^r Rogers ||Senier¹||.

m^r Robert^e.

m^r Sheppard.

m^r Balmford.

m^r Copland.

m^r Swinhowe.

m^r Viner.

m^r Geo Robbins.

m^r Edw: Waterhowse.

m^r Kirby. ~~m^r~~

m^r Woodall.

m^r Geo Smith.

m^r Meuerell.

m^r Gough.

m^r Nicholl^e.

m^r Rider.

m^r Hardinge.

m^r Webb.

m^r Ley.

m^r Cuffe.

||m^r Bolton.||

m^r ffotheringill.

m^r Hobbs.

m^r Sparrowe.

m^r Paulson.

m^r Briggs.

m^r Ioseph Man.

m^r Myron.

m^r Woodnorth.

m^r Sheldon.

m^r Haske.

m^r Etheridge.

m^r Leuer.

¹ Written over the word "Iun."

m^r Caswell.
m^r White.

m^r Edward℄.
m^r Sherwin.
m^r Barnard.
||~~m^r Iadwin.~~||

m^r ffelgate.
m^r Iadwin.
m^r Wiseman.
m^r Carles.
with diuers others.

[244]

The Lo: Cauendish signified that whereas at the last Court the Companie tooke into their consideracons certaine Propositions w^{ch} after deliberacon they agreed should be moued vnto the Lord℄ of the Counsell and therevpon the Court appointed a Co^mittee to drawe the same vp in writinge and present it to their ll^{ps} Accordingly the said Comittee proceeded and himselfe with diuers others presented it vnto the Lord℄ beinge this w^{ch} followeth together with the Remonstrance formerly ordered to be deliuered vnto the Lord℄ touchinge the Impossibility and great damage that would arise vnto the Plantation, by beinge bound to bringe in all. To the first writinge S^r Nathaniell Rich made replie vnto some part℄ thereof and withall offered a Pap of Obieccōns against the Contract: In the end after a long debate and many contestacons, aswell concerninge that as other buissines they were willed to withdrawe themselues, and within a while after the Customers beinge first called in some of the Companies also were called in, and the Lo: Treasurer signified vnto them that himselfe and the rest of the l^{ts} were resolved to acquaint his Ma^{tie} with the matter, but for themselues hey declared their opinion to ~~decline~~ incline, that the Companies should rather paye money as S^r Natha: Rich and the rest desired: As for the Kings part the Lord Treasurer said, there was no abatement to be expected, but for the Customers they were contented for the present to ||loose|| 3^d of their 6^d. So that the payment for the Tobacco at present should be but ix^d.

To the right Honorable the Lords
and others of his Ma^{ties} most Hono^{ble}
Privy Counsell.

The humble petiçon and Proposition of the
Companies for Virginia and Sum^{er} Iland℄.

We haue vnderstood from yo^r ll^{ps} that notwithstandinge the Contract touchinge Tobacco concluded with his Ma^{tie}, It hath pleased him of his great grace

and care of the Plantations to offer vnto the Companies a free deliberaçon of some greater ease and benefitt, for the encouragement and advancement of the Companies and Collonies, w^{ch} it hath pleased also yo^r ll^{ps} out of yo^r like noble disposiçons, verie fauorably to comend vnto vs, and withall to require, that aswell the Companies as the part opposite to the said Companies and Contract should reduce into writinge and soe offer the same to yo^r ll^{ps} consideraçon and iudgment. [245]

In thankefull acknowledgement of this his Ma^{ty} grace and duetifull obedience to yo^r ll^{ps} graue direcçon, the Court^e of the said Companies haue bin assembled and the part opposite desired to be present at the same Court^e, that setting aside all studie of facçon and contradicçon wee might with the mayne force of reason, trye out what was most behoufull for the Plantations and so with vnanime consent present the same to yo^r ll^{ps} fauourable veiwe.

Howbeit notwithstandinge this our earnest desire the principall psons of the said Opposites vouchsafinge not their presence; Yet diuers of the Cittizens adheringe to their part were both present and heard at large propoundinge their opinions and reasons: After a longe serious and peaceable deliberaçon of all the seuerall part^e of the aforesaid Contract as also of some other newe Propositions w^{ch} had bin made, both the Court^e with a generall and vnanimous consent (no one dissentinge) concluded vpon these seuerall Articles of Proposition and Petition w^{ch} here in all due||ty|| wee most humbly offer to yo^r ll^{ps} better consideraçon and fauourable acceptance if they shall appeare so to deserue.

ffirst touchinge the sole Importaçon of Tobacco to be graunted to the said Companies together with the inhibitinge of the plantinge thereof within his Ma^{ty} Kingdomes of England and Ireland beinge the principall ~~part~~ and fundamentall part of the said ~~of the~~ Contract: wee conceaue that without the pfectinge and continuinge of this Graunt for these seauen yeares agreed on, neither of the Plantations as nowe can possiblie subsist: The Sum^r Iland^e beinge scarce capable of ~~that soyle and~~ many other^s Comoditie by reason the earth lyeth so shallowe vpon the Rocks, and the better comodities lately sett vp in Virginia requiringe some reasonable time for their encrease and pfecçon.

ffor although in former times when the quantitie of Tobacco from the Plantaçons was smale, and that imported from other forraigne part^e was likewise not great, the vent of both might stand together and both the one and the other beare an indifferent price, yet nowe the quantities of both beinge manifoldly doubled must need^e soe ouerloye the markett^e for Sale, that without the restrayninge thereof by a sole Importation¹ ||the price thereof must need^e

¹ For the insertion between the lines and in the margin by Collingwood, and continued by the copyist to page 000, see Plate 00.

fall to so vnvaluable a rate as not to defray the verie custome and other necessarie charges: Secondly it being true w^{ch} was deliuered before yo^r ll^{ps} that meaner sorte of Tobacco in Spayne^{||}=§may be bought at this day for the value of 6^d or 12^d at the most w^{ch} happeneth by reason y^e Tobacco of the West Indies is made by the Negroes and other Slaues at a verie smale charge & contrariwise the Tobacco in the very Plantations themselves beinge rated by the Planters at a much higher value, besidē y^e custome here Some and other charges necessary It must needē followe that the Spanish Tobacco wilbe here much the cheaper and consequently ouerthrowe the Sale of that of the Plantacon.

A third reason wee will only touch and see leaue to yo^r ll^{ps} much deep consideration beinge y^e same that moued y^e lower howse in y^e late assembly of Parliament to passe a Bill to like effect for the sole Importacon, where it was made manifest by the experience and confession of all y^e Spanish m⁹chantē y^t the liberty of importinge of Spanish Tobacco, what by the price of the Tobacco it selfe & what by the vndersale of our Native Comodities for the procuringe thereof was to the damage & losse vnto this Kingdome of at least 100000^l sterling by the yeare w^{ch} elē might be returned in Coyne & Bullion for o^r said native Comodities, Besidē it was conceaued y^t nothinge could be more hono^{ble} or iustifiable for a State then to establish the Vent of the Subiectē naturall Comodity, such as is the Tobacco growinge in the said Plantacon; before the importinge of the like forraigne Comodities from other partē w^{ch} could not be but to the hurt and greivance of the Subiect w^{ch} course is also held firme and setled by sundrie prouident and pollique constitucons both in § in Spaine it selfe and many other Christian Dominions, So that the Companies most humbly beseech first his Ma^{ty} and then yo^r ll^{ps}, that for the matter of sole Importation by the said Companies there may be no alteracon from the graunt intended in the said Contract, w^{ch} they conceaue cannot be without the ruine of both the Plantations hauing hitherto wrought and traffiqued vpon a wastinge Stocke, w^{ch} they hope by this graunt may nowe at length be renewed.

And as touchinge the obligacon laid vpon the Companies by the said Contract for the bringinge in of fower score thousand waight of Varinaes Tobacco in the first two or three yeares: yo^r ll^{ps} may be pleased to be advertized that vpon the makinge of the said Proposition by the Right Hono^{ble} the Lord Treasurer, w^{ch} not till the Treaty of the said Contract had bin on foote for a good space, the Committees for the said treaty authorized by the Companies did present vnto his lp: eight waightie reasons, against the said Proposition w^{ch} reasons were afterward approued by the Courtē, but his lp: for more important reasons as it seemed knowne vnto him selfe insistinge still vpon the said Proposition, in such sorte that without yealdinge therevnto the Contract could not [246] proceed: The Companies rather then to loose so beneficiall a Graunt as the matter

of sole Importation, in fine also assented vnto that Proposition Howbeit if it may please his most Graceous Ma^{tie} and yo^r noble ll^{ps} to discharge the Contract of that Proposition either in whole or part they shall with all duety acknowledge it for a most remarqueable fauo^r: yet rather then infringe the vertue or dissolve the body of the said Contract they do ||again|| vnanimously submitt themselves to the said Proposition.

Concerninge the retribu^{ti}on to be made vnto his Ma^{tie} by vertue of the said Contract and in leue of his grace, yo^r ll^{ps} may also please to be aduertised that the first offer made on the Companies behalfe to the Lord Treasurer was only of a fourth part of all their Tobacco but his lp: by computa^{ti}on of the quantities of Tobacco likely yearely to be brought in, conceauinge that the said fourth part would not make vp that Revenue w^{ch} his Ma^{tie} had formerly receaued for that sole Importa^{ti}on, and insistinge vpon a Third part, the Companies in demonstra^{ti}on of their great thankfullnes vnto his Ma^{tie} for the said sole Importation assented to that third, neither for any thinge that they haue yet heard from the opposite pt, see any iust cause to repent them of: Notwithstandinge if it shall please his Ma^{tie} out of his abundant goodnes to vouchsafe the acceptance of their first offer of a fourth part, they shall not onely acknowledge and publish his Ma^{ties} said goodnes, but also studiously apply themselves to their vtmost endeauo^{rs} to raise to his Ma^{tie} so large a proffitt out of that fourth part, as may be, answerable to the expecta^{ti}on of maynteyninge the former Revenue.

The next considerable pointe in the Contract is ||in|| the matter of custome, wherein the Companies haue yealded to paye vj^d p¹¹ for Roll Tobacco and 4^d for leafe for so much thereof as shall belonge to their pt^l; Nowe forasmuch as diuers of the Opposite pt, haue informed the Courts that the Customers are nowe willinge in fauo^r of the Plantations to take onely 3^d the pound one with another: They are bold vpon this occasion to renewe vnto yo^r ll^{ps} remembrance that w^{ch} formerly they haue deliuered to this Hono^{ble} Bourd vizt That by his Ma^{ties} Letters Patent^l of founda^{ti}on of the said Plantation the Companies and their Successors both Aduenturers and Planters are for euer discharged from all Taxes and imposi^{ti}ons to be laid by his Ma^{tie} his heires and Successors excepting onely the fiue p centū after the vse of Marchant^l, and seinge that 6^d p¹¹ for roll Tobacco and 4^d for leafe expressed in the printed booke of rat^l was sett before there was any Tobacco in the said Plantations and there is an order sett downe in the said booke of rat^l that for all other Comodities omitted in the said Booke they shalbe valued by Marchant^l from time to time as there shalbe occasion: The Companies did agreeably therevnto peti^{ti}on that for the Tobacco of y^e Planta^{ti}ons (beinge not of halfe the value to the Spanish Tobacco ||w^{ch}|| was rated in that booke at Ten shilling^l Roll, and Six Shilling^l eight pence leafe Tobacco the [247] pound) there might be a newe and indifferent

valuacon made by it selfe accordingly as was donn in the same Booke, for lynnens and Wynes of the same kindē but of different Countries, respect alwayes beinge had to the **||true||** value of the Comoditie:

Divers of yo^r H^{ies} also may be pleased to remember that vpon his Ma^{ties} Proclamation for prohibitinge the plantinge of Tobacco in this Realme the said Companies beinge called before the Lordē then Comissioners for the Treasurie and treated with for the payinge of 12^d the pound for Roll Tobacco, and 10^d for leafe that is to say for an addicon of 6^d p^{er} lb^{er} to the said former ratē: The Companies in thankfull acknowledgegment of his Ma^{ties} grace did yeald therevnto for the terme 8th of five yeares; yet with this protestacon that they did yeald onely 3^d the pound for the Custome and the rest in thankfull retribucon to his Ma^{ties} w^{ch} Proposition they desired might be entred in their H^{ies} Recordē: The Companies (~~yet~~ **||therefore||** without intent to infringe the said Contract in any thinge) most humbly beseech yo^r H^{ies} that if the Customers be content to accept of the said 3^d for Custome, w^{ch} in lawe and equity is more then their due that the same may be accordingly **||sett||** downe in this Contract: But if the Customers as some conceaue haue onely made this offer to drawe on the ~~Customers~~ Companies into farr greater inconveniences, (amongst w^{ch} the depriuinge them of the said sole Importacon) then in that case they shall become most humble Suitors vnto yo^r H^{ies} that with yo^r H^{ies} good fauor they may try the validity of their Patentē with the said Customers, and pay them so much as by iudgement of lawe shall fall out to be due vnto them.

And **||as||** touchinge the sole sale of all Tobacco imported to be likewise managed by the Companies, they havinge taken it againe into verie serious consideracon do finde by all reason and experience of Marchauntē that it will greatly aduance the price of the Comodity and consequently as well that of his Ma^{ties} part as that of the Aduenturers and Planters And as for the reasons made by the Opposite part they conceaue them to be light and priuate, **||as||** tendinge only to the aduantage of some fewe who either by vsurpacon or oppressiue courses in the Plantations or here at home by some extraordinary art and dexterity beinge able to ouerreach or outgoe their fellowes desire to goe single from them in all their courses, but to the generall good (w^{ch} the Companies are bound to respect) they hold the contrarie Proposition to be extreemely preiudiciall.

Lastly concerninge the poore Planters of whome the Companies haue (as they ought) a speciall regard yo^r H^{ies} may please to be informed that the quantitie of Tobacco brought home in right of their proprietie is for the most part verie smale it beinge expended in the Plantacons amongst the Marchantē tradinge thither with their seuerall necessarie Comodities But for the poore Planters w^{ch} [248] themselues came ouer in pson and need a more speedie returne then the ordinary course of the Companies sale may perhapps afford, there haue

been diuers extraordinary wayes taken into consideraçon and concluded on by the Court℄, too longe here to trouble yo^r ll^{ps} with the expresseing of them in pticular beinge ready if yo^r ll^{ps} require to be shewed vnto you out of their booke℄.

And whereas it hath bin informed by some in the Court℄ that the Lord ||T^rer|| in reliefe of the said poore Planters and for the furnishinge of them with readie money would be content that his Ma^{ty} part should be paid in at one payment at the end of the yeare: They conceaue that the addiçon of this extraordinary fauo^r will giue the Companie abundant meanes for the poore Planters reliefe whereof the Companies shall make vse accordingly.

ffinally the said Companies with vnanimous consent in all sincerity and duety are bold to affirme and that confidently to yo^r ll^{ps} that hauinge thus taken the Contract assunder into his seuerall part℄ and reexamined the same with their best vnderstandinge and skill they doe not finde any iust cause of so greiuous complaint against it, as hath bin made by those men who beinge Members of the Companie and most of them hauinge bin present at the negotiatinge of the said Contract and hauinge giuen their expresse consent vnto it, do nowe vpon priuate humo^r oppose against it, valuinge their owne will℄ aboue co^mon consent and the iust rules of gouernment: Notwithstandinge if it shall please his Ma^{ty} and yo^r Hono^{ble} ll^{ps} in tender care and fauo^r of the said Plantations to graunt a qualificaçon of the point℄ of the Contract before expressed: both the Companies and Plantaçons shall thereby receaue a singuler encouragem^t to proceed in their labourious and costly courses of bringinge the said Plantaçons to their desired p^{er}fecçon and remaine euer studious by their vttermost endeauro^{rs} to expresse their thankefulnes first to his Ma^{ty} and then to yo^r ll^{ps} for the same: And howsoever the Companies vnanimously desire that the said Contract may proceed, and be continued for these seauen yeares formerly accorded.

AT A COURT HELD FOR VIRGINIA ON WEDENSDAY
IN Y^r AFTERNOONE Y^r SECOND OF APRILL 1623.

PRESENT

Right hono^{ble}

Ea: of Warwick.

Lo: Cauendish.

Lo: Pagett. ||S^r Edw Sackuill.||

S^r Io: Brooke.

S^r Edw: Sandis.

Colonell Ogle.

S^r Nath: Rich.

S^r Sam: Argoll.

S^r Thomas Wroth.

||S^r [Edw:] Horwood.|| [249]

Aldřan Iohnson.
 Doctor Gulstone.
 m^r Deputy.
 m^r Io: fferrar.
 m^r Edw: Iohnson.
 m^r Wolstenholme.
 m^r Palavicine.
 m^r Wilmer.
 Capt Nath: Butler.
 m^r Bing.
 m^r Palmer.
 m^r Berblock.
 m^r Barbor.

	m^r ffursnan.	
	m^r Ditchefield.	
	m^r Copland.	
	m^r Baynham.	
	m^r Vyner.	
	m^r Couell.	
	m^r Leuer.	
	m^r Coytmere.	
	m^r Hart.	
	~~m^r Harwood.~~	
	m^r Taylor.	
	m^r Goodyeare.	
	m^r Boothby.	
	m^r Edwardē.	

	m^r Christ. Brooke.	
	m^r Iarrett.	
	m^r Haruey.	
	m^r Gibbs.	
	m^r Tomlins.	
	D^r Anthony.	
	~~m^r Widdowes.~~	
	m^r Withers.	
	m^r Bennett.	
	~~m^r Caning.~~	

m^r Wiseman.
 m^r Ley.
 m^r Meuerell.
 m^r Bull.
 m^r Sheldon.
 m^r Norwood.
 m^r Widdowes.
 m^r White.
 m^r Cuff.
 m^r Briggs.
~~with diuers others.~~
 ||m^r Ewens.||
 ||m^r Dounes.||

m^r Caninge.
 m^r Scott.
 m^r Balmford.
 m^r Addison.
 m^r Combe.
 m^r Ro: Smith.
 m^r Roberts.
 m^r Caswell.
 m^r Nicholls.
 m^r Iadwin.
 m^r Hobbs.
 m^r Rogers.
 m^r Waterhouse.

	m^r Bland.	
	m^r Hackett.	
	m^r Webb.	
	m^r Wade.	
	m^r Ryder.	
	m^r Tatam.	
	m^r Moore[r].	
	m^r Budg.	
	m^r Southerton.	
	ffotheringill.	
	m^r Wye.	
	m^r Barnard.	
	m^r Collett.	
	m^r More.	
	m^r Truloue.	

m^r Seaward m^r Bānham m^r Woddall m^r Newport m^r ~~Newport~~
 Woodnorth m^r Georg Smith m^r Witherell m^r Rogers Iunior m^r Perry
 m^r Elkington m^r Robertē Iunior wth diuers others.||

At¹ this Court was read first the Court held the Two & twentieth of
 february; w^{ch} after some pause and noe man taking excepcon thereat,

¹ At this point in the manuscript the handwriting changes to that of the unidentified copyist,
 referred to above as the "first copyist."

was putt to y^e question, whither the Company conceaued the said Court to be in effect and substance truly sett downe; It was by a generall erec^on of hande (noe one dissenting) approued to be rightly sett downe.

Secondly there was read y^e Court held the ffoure & twentith of ffbruary, whereat noe man taking excep^on, it was in like manner putt to the question, and by a generall erec^on of hande (noe one dissenting) approued to be rightly sett downe.

Thirdly there was read the Court held the nyneteenth of March following ||followinge||, w^{ch} ~~by a generall erec^on of hande (noe one dissenting)~~ ||by a generall erection of hande no one dissentinge|| was ~~also~~ confirmed to be rightly sett downe.

Lastly was read the Court held the ffoure & twentith of March, w^{ch} after some pause and noe man taking excep^on was ~~putt to ye question & by a generall erec^on of hande~~ ||put to the question and by a generall erection of hande|| approued to be rightly sett downe ~~noe one dissenting~~ ||no one dissentinge||.

After this there was read the Letter receaued by y^e Iames from the Gouvernour and Counsell of Virginia, who desiring that their humble thank^e might be presented to his Ma^{tie} for his gracious fauour in that supply of Armes & Munition sent them; the performance thereof was recomended by the Court to S^r Edward Sackuill; who was also desired vpon fitt opportunity to moue his Ma^{tie} for y^e ffoure hundred young persons formerly peti^oned.¹

M^r Palauicine moued in m^r Wrotes name for a copy of his Sentence, w^{ch} was ordered accordingly should be giuen him by the Secretary.

S^r Nathaniell Rich said, that hauing had of late speech wth the Lo: Treasuror, he vnderstood from him soemuch, as he conceaued, that if the Companies would peti^on, they might haue the Sole Importa^on of Tobacco, wth the excep^on onely of fforty thousand weight of Spanish Tobacco to be brought in yearely; wherein they should haue

¹ This is probably the letter referred to in List of Records, No. 400, Vol. I, page 163, *ante*.

more fauour then any other vndertakers; He therefore moued, that the Companies would accordingly petiçon the Lord Treasurer. This moçon was by some liked [250] and approued, who affirmed, that the Companies hauing the graunt of bringing in the Spanish Tobaccoes might farme it out to others and thereby gayne 1000th yea perhaps 2000th a yeaere. But herevnto answere was made, that it were better for y^e Company, that the Importaçon of Spanish Tobacco (since it must need℄ be graunted) should be in Strangers hand℄ then in y^e Companies; who could better looke to it, & prevent the stealing in, then they could; w^{ch} could not be done by them, but by raysing a great deale of charge for Salaries (a thinge soemuch decaymed against) And for the matter of Sole Importaçon, w^{ch} the Companies had soe-much desired, that was a totall exclusion of all forraigne Tobacco w^{ch} the Companies sought for; But if there was a necessity, that a certayne quantity of forraigne Tobacco must be brought, it was all one to the Plantaçons, whither it were in the Companies or others hand℄; But if soe be it could ~~not~~ ||not|| be procured ||from|| his Ma^{tie} and the Lo: Treasurer, that a Sole Importaçon of Tobacco should be graunted to the Companies, wth a forbidding of all others (except for some smale quantity) and that for Two or Three yeaeres at y^e most, and this to be confirmed by his Ma^{ties} Lfes Pattents, and that together wth the abatement of Three pence in y^e pound and the Companies left to their libertie to bring in what they pleased; that were indeed a singuler fauour vnto the Plantations, and the Companies should be highly beholding to those Gentlemen by whose meanes it should be procured & obteyned.

As for this moçon (as it was propounded) it was not conceaued to be any more in substance, then that whereas there is a quantity of 40000 wth of Spanish Tobacco to be brought in, the Companies should haue the farming of it, w^{ch} was not conceaued any such benefitt, as the Companies should moue therefore.

But in case there were an intent to graunt a free importaçon of all sort℄ of Tobacco vnstinted, w^{ch} in regard, that the State had ~~see~~ wth soe much prudence, reduced to the quantity of 60000 weight, was not to be imagined the free importaçon, hauing beene found soe great

a detriment and damage vnto this kingdome: It was then generally adiudged, that the Court ought to vse all possible meanes & dilligence to prevent that w^{ch} would vtterly vndoe the Plantacons.

Wherefore S^r Nathaniell Rich was desired by the Court, to bring his Propositions well digested, & fully to informe himselfe, what fauours they might hope to obtaine & vpon what retribucon; for as the Proposition was now made, it was not conceaued any thinge beneficiall, or that the Companies should stirr in it.

There was presented to this Court a petiçon of Captaine Iohn Martins; wherein he declared wth much thankē his humble acceptance of the Pattent that was offered him ||by the Company|| although in y^e matter of rent it differed from the Earle of Southamptons. And whereas it was signified, that Captaine Martin being by his sayd Pattent to haue [251] his Land sett out and bounded wth in the Territories of Martin Brandon he desired these wordē might be added, namely, in that place whereof he was formerly possessed: And further that in the Habendum of his sayd Pattent after the wordē Waters, Riuers, there might be added these Two wordē Marshes, Swamps C^r w^{ch} the Court agreed vnto & ordered the Secrē should putt them in.

And touching his Three demaundē in his sayd Petiçon, the Court hath promised, first that if it shalbe found by any Court Roll, either here in England, or in Virginia, that the first and ancient Planters should haue ffiue hundreth acres for a share (as he supposeth), he shall haue the same proporcon allowed him; or if any larger Pattent shalbe graunted hereafter, he shall haue the like fauour vpon his petiçon for y^e enlargem^t of his.

Touching his second request for some allowance out of y^e publiq for his place of Mastership of the Ordinnce, as other Officers lately gone ouer haue had; the Court hath promised, that when the Publiq shalbe able to spare any men, his request shalbe taken into consideracon.

Concerning his Third request for a Comission to the Gouvernor & Counsell of Virginia, to examine the wrongs & detrimentē done vnto him by S^r George Yeardley in the time of his Gouvernem^t since; & that

vpon prooffe thereof made, they may cause him to make restitucon; The Court hath ordered, that direccon shalbe giuen by Lre to the Gouernour & Counsell there to proceed therein accordingly as is desired; who shalbe entreated to affoord Captaine Martin all lawfull fauour, as to iustice shall app'taine.

The Court being moued for a Pattent for m^r Roper & m^r ffitzieffories vndertaking to transport One hundred persons, & being to goe ouer themselves this next Shipping to Virginia, ordered a Pattent to be drawne vp for them against the Quarter Court.

Vpon mocon for a Comission for y^e George for transporting Passengers to Virginia, the Court ordered a Comission to be drawne vp.

AN EXTRAORDINARY COURT HELD FOR VIRGINIA AND THE
SUFER ILANDES ON SATTURDAY IN THE fflorenoon
THE 12TH OF APRILL 1623.

PRESENT

Right hono^{ble} Lo: Cauendish.
Lo: D' Lawar.

S ^r Edw: Sackuill.	m ^r Ley.	m ^r Edw: Waterhouse.
S ^r Edw: Sandis.	m ^r Ditchfield.	m ^r Swinhoe.
S ^r Io: Ogle.	m ^r Nicholls.	m ^r Iadwin.
S ^r Edw: Horwood.	m ^r Wheatly.	m ^r Widdowes
m ^r Gibbs.	m ^r Caswell.	m ^r Robbins.
m ^r Io: Smith.	m ^r Palavicine.	m ^r Withers.
m ^r White.	m ^r Hobbs.	m ^r Bennett.
m ^r Nich ^o fferrar Dpt.	m ^r Copland.	m ^r Melling.
m ^r Io fferrar.	m ^r Thaire.	m ^r Strange.
m ^r Balmford.	m ^r Baynham.	m ^r Moorewood.
m ^r ffreake.	m ^r Scott.	m ^r §Iohn§ Collett
m ^r D' Lawne.	m ^r Stubbs.	m ^r Swaine.
m ^r Morgan.	m ^r Perry.	m ^r Webb.

m ^r Moorer.	m ^r Berblock.	m ^r Owen Arthur.
m ^r Colehurst.	m ^r Barbor.	m ^r Geo: Smith.
m ^r Etheridge.	m ^r Wolstenholme.	m ^r Lambe.
m ^r Bland.	m ^r Shepherd.	m ^r Truloue.
m ^r Bing.	m ^r Newport.	m ^r Rider.
	m ^r Seaward.	m ^r ffra Waterhouse.
	m ^r Watson.	m ^r Tomlins.
	m ^r Downes.	m ^r Windham.
		m ^r Derge.
		m ^r Southerton.
		m ^r Woodnott.
		m ^r Hackett.
		m ^r Cuff.
		m ^r Clarke. w th
		diuers others. [252]

The Lo: Cauendish acquainted the Company, that the cause of calling this Court at soe vnseasonable a time, was to acquaint them, how that Alderman Iohnson together wth some others his Associat^e had presented a petiçon to his Ma^{tie} complayning much of the misgovernem^t of the Companies and Plantaçons these Last ffoure yeares; w^{ch} to the intent it might not make any impression in his Royall breast to y^e preiudice of the Company, his Lo^p conceaued, that the Company were to thinke of some present course, to giue his Ma^{tie} satisfacçon by a true Declaraçon both of the State of the Colony, & of the cariage of businesses here at home by the Company. But to the intent they might proceed herein wth greater certainty, the Court sent some of the Company to m^r Alderman Iohnson, to desire him, either to bring or send them a copie of that petiçon, w^{ch} he had deliuered; who returned answere by them, that he had noe copy of the Petiçon, nor did knowe of any that did keepe a copy thereof, and that the Petiçon was not against y^e Company; w^{ch} was likewise affirmed by some of them who were present in Court, & had beene at the deliury of that petiçon; desiring the Company not to engage themselues therein, vntill they sawe the Petiçon (professing that they intended the good of the Plantaçon and the Company as much as any other)

Wherevpon they were desired to declare what it was they had complained of: & who the persons were, it being sayd by the Lo: Cauendish, that if they did not finde themselves agrieved wth the Company, they ought not to haue complained to his Ma^{ty}, vntill they had acquainted the Court wth their grievance, & seene what remedy by them would haue beene applyed.

Wherevpon m^r Palavicine (being one of them that was at the deliury of the petition) sayd, that the things w^{ch} they chiefly complained of, were perhaps such as the Company had beene often moued about, & would giue noe redresse in.

Wherevpon S^r Edward Sackville sayd, that although Ald^ran Iohnson would not send a copy of y^e petition, yet himselfe and some others in y^e Court, could fully & certaynly informe the Company of the substance thereof. He sayd therefore, that Petition was in effect a comparison of the Governem^t in former tymes wth the latter fflower yeares, & that in Three pointes.

ffirst that in former times, the Governem^t was soe mild & moderate, as a multitude of Aduenture^{rs} were brought in; but now there was much oppression and iniury offred both to Aduenture^{rs} & Planters.

Secondly that whereas formerly things were carryed quietly both here and in y^e Plantacons; now there was nothing but contencons & dissensions to y^e ruine allmost and ouerthrowe of the Plantacons.

Thirdly that whereas diuers excellent Comodities were formerly sett vp, now there was nothing but Smoke & Tobacco. Wherevpon they desired his Ma^{ty} that a Comission might be awarded, that these things might be amended.

This being deliuered vpon his certen knowledge to be the substance of y^e Petition & confirmed by y^e Lo: Cauendish, it was by a generall creecon of hande conceaued, that this Petition and Complaint was against the Company it selfe; and so that they accordingly ought to iustify themselves, & to defend their proceedings against these vniust

& vntrue informaçons [253] but yet withall for y^e very issue of y^e Petiçon it selfe, the Court liked very well, and by erecçon of hande ordered, that a Petiçon should be p'sented to his Ma^{tie} in y^e name of the Company, to beseech his Ma^{tie} that the Lordē of y^e Counsell might haue y^e examinaçon of these things, and that their Innocency or guiltines might be cleared or punished. And in y^e meane while, for a true informaçon of his Ma^{tie}, the Lo: Cauendish presented to y^e Court Two seuerall writings, the one being a declaraçon of the State of Virginia comparatiuely wth what had beene done in former tymes, w^{ch} by order of the Earle of Southton was drawne vp by some of the Counsell at Christmas Last: W^{ch} being now read and weighed from point to point, was wth some small alteraçons approued and confirmed by y^e Court, & ordered to be deliuered to his Ma^{ty} as their Act, being this w^{ch} followeth vizt.

A Declaraçon of the present State of Virginia
humbly presented to the Kings most excellent
Ma^{tie} by the Company for Virginia.

May it please your Ma^{tie}

In the end of December in y^e yeare—1618—being the Twelueth yeare¹ after y^e begininge of this Plantaçon and after the expence of ffourscore thousand pounds and vpwards of the Publiq Stocke besides other Sums of voluntary Planters ther were remayninge then in the Colony aboute Six hundred psonns men, weomen and Children and Cattle aboute Three hundred att the moste. And the Company was then lefte in debt neer ffive Thousand pound.

Att this time through (Gods blessinge) notwthstandinge the great mortalities w^{ch} in some of these fower latter years, haue generally seized vppon all those pts of America and besides the ~~last~~ ||late|| Massacre of aboute three hundred and fiftie personns and a great mortallitie therby occasioned by beinge dryven from their Habitaçons and pvisionns, there are remayninge as wee compute aboute ffive and Twenty hundred psonns sent wth the expence onely of Thirty Thousand pounds of the publique Stock besides the charges of perticuler Societies and Planters, And y^e Cattle what by new Supplies and what by encrease of the former provision, are multiplied to aboute one Thousand of beastē Besides Goates and of Swine an infinite number. And the old Debt of y^e Comp^y: hath been discharged.

¹The rest of this declaration is in the autograph of Nicholas Ferrar's assistant, Thomas Collett(?).

Att y^e beg'ninge of these last 4 years y^e onely Comodities of price and vppon w^{ch} onely a Valuacon was sett to maynteyne the Trade were Tobacco and Saxafra^s, ffor in y^e two last years before ther was no course taken for y^e settinge vpp of any other through y^e pouerty of y^e Comp^a:

Duringe these 4 last years there hath been expended in settinge vpp of Iron Work^e (y^e Oare wherof is ther in great plenty and excellent) aboue five Thousand pound^e: w^{ch} worke beinge brought in a manner to p^{er}feccon was greatly interrupted by the late Massacre, butt ordered to be restored againe wth all possible dilligence.

ffor the makinge of Wine itt is to be knowne y^t the soyle there doth of itt selfe produce Vines in greate aboundance and some of a verie good sorte, besides diue^{rs} Plants haue been sent thither of the better kindes of Christendome.

Ther have been also sent thither Eight Vigneroones p^{er}ured from Languedock, & carefull order hath been taken for the settinge vpp of that Comoditie, w^{ch} wee doubt not in short time will shewe itt selfe in great plenty. And had not the buisines been interrupted by y^e Massacree err this the effect^e had been seen, there beinge divers Vyneyards planted in the Country wherof some conteyned Tenn thousand Plantes.

ffor Silke the Country is full of Mulbertytrees of the best kinde and generall order taken for the plantinge of them abundantly in all places inhabited. True itt is that for the Silkworme seed itt hath till this last year by diuers accyidents misscarried to y^e great greife of the Comp^a: haueinge had large supplies therof from yo^r Ma^{ty}: store. Butt in September last wee haue sent neer 80 ounces wth soe extraordinary care & p^{ro}vision y^t wee doubt not itt will prosp and yeild a plentifull returne ther beinge sent alsoe men skillfull to instruct the Planters for allthings belonginge to bringe y^e Silke to p^{er}feccon: And wee have notice that the seed hath been received saffe and order given for the disp^{os}inge and nourishinge them through the wholl Plantacon. [254]

There have been sentt alsoe att the great charge of the Comp^a: skillfull men p^{er}ured from Germanie for settinge vpp of Sawinge Mill^e and diuers Shipwright^e from hence for makinge Boates and Ships. And other for Saltworkes and others for other Comodities, y^e good effect wherof wee doubt not will shortlie appeare.

Wee will not heer enlarge in declaringe the greate and assiduall care w^{ch} y^e Counsell and Company wth their principall Officers have from time to time taken aswell in reclayminge the Colony from ouermuch followinge Tobacco (every man beinge now stinted to a certaine proportion) as also in settinge

forward those other Staple and Rich Comodities aswell by the Charges and provisionns aforesaid as likewise by settinge vppō them a Competent valuation, not Doubtinge butt that whosoever wilbe pleased to take the paines to pvse their frequent Ires, Instrucōns and Charters to that effect together wth sundry printed Books made purposely and published for their help & direcōn (the full veiwe wherof is phibited to no man) wilbe farr from censuringe them for any omission. Neither may wee forbear to doe that right to y^e Gouverno^r

Counsell, & other principall Officers now resydinge in Virginia as not to testifie their solicitous care and industry in puttinge in execuōn our desires and direcons as appeareth by their Proclamation and other orders to be seene.

Touchinge the Gouverm^t itt hath in these 4 latter years been soe reformed accordinge to yo^r Ma^{ty} originall direcōns y^t y^e people who in former times wer discontent and mutinous by reason of their vnassurance of all things through want of order & iustice live now amongst ~~in~~ themselves in great peace and tranquillytie each knowinge his owne and what hee is mutually to receaue and pforme.

And to y^e end y^t worthy personns may be allured to those places of Counsell & Gouverm^t and all occasion of Rapine and extorcon be removed the Counsell & Comp^a have now att their very great charge caused to be sett vpp a Competent annuall pvision and revenue for mayntenance of y^e Gouverno^r wth other Magistrates and Officers & pticularly of y^e Mynistry accordinge to y^e degree and quallytie of each ~~pson~~ place

Neither have these our cares & courses been vneffectuall but as they have settled y^e Colony there in a great content and quyett soe have they raysed here att home soe great a fame of Virginia that not onely men of meaner estates as att the first by necessity; but many psons of good sorte out of choyce and good likinge have removed themselvs thither & are dayly in pydinge to remoue.

There haue been in these 4 years graunted 44 Patents for Land to Personns who have vndertaken each of them to transporte one hundred men att the least: wheras in y^e former Twelue year^e ther wer not aboute Six. .

There have com in Tenn times more ~~new~~ Adventurers in these 4 last years then in almoste twise y^t time before. So y^t wheras in former times ther were sometimes hardly gott Twenty to keep the Quarter Courte there are now seldome less then two hundred and sometimes many more.

There haue been employed in these 4 last years fforty-two saile of Ships most of them of great burthen; wheras in 4 years before ther were not aboute Twelue.

Wee may not heer omitt one extraordinary blessinge y^t itt hath pleased God in these 4 last years soe to excite y^e hearts of well minded people to extend their aide toward y^e forwardinge of this Glorious worke y^t there hath been contributed toward itt in presents to y^e value of ffifteen hundred pounds by zealous and deuoute psonns most of them refusinge to be named of w^{ch} fruite the bleedinge years were altogether barren.

Itt cannot be denyed butt itt is to be deplored wth much sorrow y^t the blessinge of God appearing in the encrease and prosperitie of the Plantacon drew on that bloody resolucon from y^e Infidles & as itt is conceaued hath excited here att home diuers troublesome Opposicons by personns (itt seemeth) little fauouringe Virginia's prosperitie. But the one as wee hope wilbe sharplie revenged, & y^e other must be borne wth patience and wth constancie ouercom.

To conclude for y^e better securinge of the Plantacon besides y^e continuall sending of multitudes of people & shippinge (wherof ther were lately aboute Christmas last Seauenteen Sayle in Iames River in Virginia) The Counsell and Comp^y: to their great charge have given order for y^e erecting of a fforte in a convenient place in the same River to keep out fforraigne Invasion till better pparacon be made.

And if yo^r Ma^y: beinge y^e first founder & great Supporter of this Accon (w^{ch} will remaine a Constant Monum^t of yo^r Glorious name for ever) wilbe pleased y^t y^e four hundred young & able men desyred by y^e Comp^y: & not denyed butt respited may now att length be leyed in such manner as was peticoned and sent to Virginia for y^e rootinge out of those Treacherous and Barbarous Murderers as also for the Supply of y^e Plantacon in pts yett defective: Wee doubt not butt in short time to yeild vnto yo^r Ma^y soe good and reall Account of the fruits of our cares endeavours and labours, as may be answerable to our Duetie and yo^r Princely expectacon. [255]

The¹ second writing that his Lo^p shewed, was, A Relation of y^e proceedings of y^e Virginia and Sum^r Ilands Companies in answere of some Imputations laid vpon them, together with the discouery of the groundes of such Vniust obiections, and a Remedy propounded for auoiding the like Inconveniencies hereafter. W^{ch} discourse his Lo^p said himselfe had drawne vp, for satisfaccon of some very Noble personage, who vpon sinister informacons of the Companies proceedings, seemed to haue entertayned some hard conceipt of them. But vpon reading

¹ The handwriting here returns to that of the copyist referred to as the "first copyist."

of this discourse, they remayned very well satisfied of the fairenes & iustnes of the Companies proceedings in those seuerall point^l; the like effect he hoped they would worke in his Ma^{tie}. Wherevpon the sayd Relation (being this w^{ch} followeth) was read, and euery seuerall part & branch thereof being duly weighed and considered of, was by it selfe putt to y^e question, and by a generall erec^on of hand^l euery branch of it was confirmed & approued as y^e Act & answe^re of the Company there being not aboue Three hand^l against any one point of it, & most of them confirmed wthout the dissenting of any one.

And it was further ordered, that these Two writings, together wth the peti^on should be deliuered to his Ma^{ty}; And to that end were humbly entreated the

Lo: Cauendish
Lo: Lawarr
S^r Edw: Sackuill
S^r Io: Brooke &
Collonell Ogle

to take y^e first opportunity that might be, it being left vnto themselves to make choise of such other of the Company, as they would should attend them.

A relation of y^e late proceedinges of y^e Virginia and Sum^{er} Ilandes Companies, in answe^re to some imputa^ons laid vpon them, together with the discouery of y^e groundes of such vniust obie^ons, and a Remedy proposed for better auoyding the like inconveniencies hereafter; Humbly presented to y^e Kinges most Excellent Ma^{tie} by the said Companies.¹

May it please your Ma^{tie} ²

Itt is manyfest that diuers misinformations have been deliuered and those publicquely to the most materiall wherof a true and iustificable answe^re heere ensueth.

¹ This document is in the Public Record Office, Manchester Papers, No. 360. The handwriting is similar to that of the first copyist of the Court Book. List of Records, No. 462, Vol. I, page 170, *ante*.

² The rest of the relation is in the handwriting of Nicholas Ferrar's assistant, referred to above as Thomas Collett.

- 1 The first obiection is: That some few of the Company Lead and ouersway Misleadinge.
 y^e Courtes, and in the perticuler buisines of y^e Contract intending their
 owne priuate especially in poynte of Salary, haue for y^e cause perswaded
 & mislead y^e Courtē.

Itt is true that some particuler personns to their great paines charge and trouble Answerē
 wthout hope or expectaçon of proffitt have imployed their time and endeauours
 in consideraçon of what might tend to the good and benefitt of both Plantaçons
 and that onely wth purpose to propose and Communicate to the Courtē their
 faythfull advise: w^{ch} is both the duety and in the power of every pticuler
 member of these Societies: And that this diligence should be interpreted a
 Captivatinge or misleadinge of the Courts wherin they onely communicate their
 opinions wthout any aforehand conclusion w^{ch} is neither in their power nor
 intentions is a verie vniust censure and a hard requitall to those psons who for
 a generall good neglect so much time & so many opportunities for their owne
 pryvate. [256] ffor the Supposiçon y^e in respect of the Salary these men
 should misguide the Courtē to the preiudice of the Plantaçons the meer nar-
 rative of y^e occasionn carryage and necessitie of that buisines wee suppose will
 sufficiently cleer them.

The menaginge of the intended Contract was vppon large deliberaçon by y^e
 Counsell of Virginia and the Comittées designed for that buisines conceaued to
 be so great and troublesome an imployment as would wholly take vpp the
 Officers times and itt was by none conceaued reasonable (imposinge soe great
 a burthen) to exact mens Labours, wthout a proporēonable requitall for their
 paines, especially their employ^{mt} in this case beinge for the pticuler raysinge
 & advantage of seuerall psonns private estates by the higher sale of this Com-
 oditie, and ther was never example of men thus imployed wthout Salary, this
 beinge a buisines of meer merchandize and of distinct nature from a Plantation
 and the Gouverment therof. Besides itt is a guessinge vcharitable censure to
 say that the Salaries were aymed att by those since elected: ffor y^e Salaries
 and Offices were first agreed vppon before y^e personns were chosen.

And for those y^e were elected to the two great Sallaries against wth they doe
 most object itt is certaine that both in publique and pryvate att sundry times
 they vsed all possible endeauor and industry to keep themselves from being
 chosen butt the experience the Companies had of their faythfullnes and abillie-
 ties made them to be chosen, and so in a manner forced them to this imploy-
 ment against their willē. And though in some Quarter Courtē since their
 election they have as much as in them lay surrendred their Offices yett y^e
 Courtē would never admitt therof, and further a Proposiçon beinge offered
 by the first principall Obiector for the managinge of the buisines with less

expençe, itt was absolutely after a p^ticular and exact examina^çon refused by the iudgment of both Court^l w^{ch} allsoe by question deliuered their opinion that they would trust no man in a matter of that waight that || would || offer himselfe to vndergoe itt wthout Salary or soe little as was there proposed.

And after all these obiections and clamo^{rs} against them y^e Last Quarter Court^l vppon a longe and full debate did fully conclud and confirme y^e Offices Officers and Salaries in y^e same manner & forme as in the Qua: Courtes before they had been agreed on.

Lastly wheras they fortifie their Clamo^r wth the greatnes of the Salary (vizt) 2500^l p Annū that is vnt^rue for to all the Officers chosenn by the Companies ther was onely allotted Seauenteen hundred pounds p Annū The other 800^l was layd by for such necessary occasions as could not be ayoyded and this 800^l was in the iudgment of the §Lord§ Treasurer a proporcon rather too little then too great: Butt out of all yo^r Ma^{ty} by the Contract was to pay a third parte, and countinge vppon the 1700^l ~~for~~ || of mere || Sallary yo^r Ma^{ty} Third is neer 600^l, and the proporcon intended to be layd on the Spanish Tobacco would have saved 600^l more: Soe y^t the charge remayninge to the Companies would not §have§ amounted at y^e most butt to 600^l: and that would easily have bin defrayed by y^e imposi^çon of a penny the pound of Tobacco: And yett this small charge muste not be vnderstood to be laid by the Companies duringe the wholl seaven years of the Contract butt onely for one yeare beinge of all other y^e moste difficult; Soe that if they had found itt too heavy they might for y^e next year have altered their course, and eased their charge if they found it either possible or conuenient.

Querswayinge.

2 The Second obiection is §y^t y^e Court^l are§ ouerswayed, and p^ticularly were soe in this buisines of y^e Contract by informinge y^e Courtes y^t itt was prest vppon them by y^e Kinge. [257]

Answaere.

Itt is a strange boldnes for any especially beinge of our Company and knowinge y^e p^{ce}edings therof yett to be soe ouerbold as to affirme a thinge so manyfestly false for itt hath been divers times profest in Court^l by sundry Cittizens that they neuer in any Society whersoener they had been, found that liberty of Speech and vote or the Court^l carryed wth that modera^çon and Temper as these of Virginia and the Sum^mer Ilands.

Moreouer the Companies are soe assured of the falsitie of this scandall that itt was one of the principall causes why m^r Wrote who was the first that layde y^t imputation vppon the Court^l was censured:

Besides in the Quarter Courte the firste of february ther beinge present aboue two hundred personns, somethinge that had been spoken by S^r Henry Mild-

may caused the Courte to beleive that yo^r Ma^{ty}: had been abused by this reporte therefore itt was then putt to the question, wheither the Court℄ were ouerawed or had not soe much liberty of speach as they desyred itt was by a generall erec^on of hands (no one dissentinge) denied.

And after in the Courts of the 5th of March vppon occasion that by some, the day before att the Counsell Table itt was sayd y^e men were ouerawed to giue their consent for the Contract, itt was againe putt to the question, and by a generall erec^on of hands no one dissentinge denied as before, and also further affirmed that this matter was carryed fayrly, and by strength onely of reason appearinge to the Court℄ and not otherwise.

The Contract in respect of importa^on from the Planta^ons onely was ever propounded to the Court as a matter of great grace and favour from yo^r Ma^{ty}: And in the treaty aboute itt wth the Lord Treasurer, who was y^e first proposer of itt when the retribu^on of a third was by him vr^ged as allso the bringinge in of 80 Thousand waight of Spanish Tobacco in two years: The Committees by the Court℄ appoynted to negotiate this buisness with the Lord Treasurer vsed all their endeavour to bringe this Third to a flourish, and against the Importa^on of Spanish Tobacco gaue his Lo^p: eight reasons in writinge, butt neither of these two desires were entertayned and so the Committees returned their Labours vnto the Court℄, declaringe vnto them that vppon these Termes and no otherwise they might have y^e Sole importa^on wth the Courts takinge into their most serious Delibera^on, considering in what case they had been in former years, sometimes forbidden by reason of other Contractors to bringe in any Tobacco sometimes comaunded to bring in all they conceyved that by entertayninge this bargaine thus though itt wer not soe good as they desyred, yett comparatively they should be in a better state then they have been heretofore: And soe afterwards vppon this onely reason the Contract hath bine confirmed by [in] Six seuerall Quarter Courtes.

The third obiection is that these persons Vppon whome these intentionns 3
are vniustly layde when they could not carry matters by plurality of ^{Protractinge of y^e}
Voyces did draw on and spynn out y^e Court℄ till eleuen a Clock at night ^{Courts}
by w^h means they that were againste some part℄ concerning y^e Man-
aginge of y^e Contract beinge ouerwearied wth so longe sittinge did
depart.

Itt is true that this day here ment the Court℄ sate till about Tenn a Clocke ^{Answer.}
butt vppon these Occasions. Ther were divers long Courts to be read, princi-
pally concerninge the offences of m^r Wrote who that day was to receaue the
iudgment and censure of this Quarter Courte, and the very handlinge of this
buisnes continued till after Seaven a Clock.

The same day ~~alsoe~~ was held ~~also~~ a Virginia Courte wth power of a Quarter Courte deryved from the Quarter Courte ittselfe w^{ch} was held the Wednesday before by reason, that y^e Lo: Treasurer was not then fully resolved to give his assent to every pticulerr of the Contract as was before agreed on. [258]

But this Day haveinge comunicated all the Articles of y^e Contract wth y^e Lords of the Pryuy Counsell about 5 a Clock att night hee sent itt vnto vs by S^r Arthur Ingram, signed wth his hand entire as before onely wth this intimation y^t wheras before the Companies were to have had forthwith a Proclamacon for the sole Importacon by the Companies and for restrayninge of bringinge in all other Tobacco then that of the Plantacons, savinge that within :2: or three years they were enioyned to bringe in 80 = Thousand waight of the best Spanish Tobacco: The Companies were now desyred to be content to forbear the publishinge of this Proclamation though concluded on by the Contract for three or fower monneths: And this at that time beinge a new Proposition, butt such a one as hadd the waight to make the bargaine either fall or proceed and that beinge the last day wherin by the Patent and orders of the Companies they are enabled to conclud buisines of that nature vnless they should have deferred them for more then a Quarter Court of a year longer, the debate of this was now necessary and beinge long was another occasion of the Court℄ continuance.

And the Contract wth this new Proposition beinge againe confirmed the Offices, Salaries and Officers in respect of obieccōns and new Propositions then offered and seuerally wayed were againe to be debated and putt to y^e question and soe to be either confirmed (as they were) or el℄ altered and that of necessitie att this time because they expected instantlie the cominge in of great quantitie of Tobacco from Virginia and the Somer Iland℄, and another Courte could not have the power to doe itt, And these were the onely and true causes of y^e continuance of these Court℄ this Day so longe.

And y^t cause w^{ch} is intimated by y^e Obieccōn is vtterly vntrue, for though padventure some depted before the rysinge of y^e Courte yett not one y^t opposed the Conclusionns and former Act℄ of Courts went away and att the very last besides divers Noblemen, and knights when the question was putt ther were about a hundred personns.

4
Puttinge of of
Court℄.

Itt hath bin objected, that in y^e time when this Contract was first to be concluded y^e Court℄ were on purpose put of Seauen weekes together, by reason that some Planters that were shortly to goe away might not haue opertunity to Complaine against itt.

Answer.

Itt is strange howe any man knowinge our pceedings in this buisness could wth any confidence broach such an obiection beinge so manifestly impossible and so absolutely falce as shall appeare.

Nothinge tendinge to the Conclusion of the Contract, could be ratified but in a Quarter Courte: The Companies in their last midsomer Quarter Courte did first agree to this bargaine, att w^{ch} time, all the old Planters, being aboute thirty in number were or might have been in the Courts for none went away till aboute eight weekē after. Neither could it be then discovered they were att all discontented wth itt none makinge obiection butt some arguinge earnestly for itt, And then the bargaine beinge concluded and soe become ynarguable that the Courts should be afterwards putt of to avoide their Argument cannot be apprehended to agree with sence.

Howsoever itt is vntrue y^t the Courts were att all soe long putt of for although by the orders of the Companies in the long vacations there may be a cessation of meetings except vpon extraordinary and pressinge occasionns, yett y^t yeare by reason of sendinge out divers Ships and wth them Direccons to Virginia and y^e Summer Ilandē y^e Courte mett more frequently then ||they|| vsually had done att any such times hertofore, and for any thinge could appear to the Companies though ther were divers old Virginia Planters heere and 700 new all w^{ch} were to goe thither after this conclusion of the Contract yett not one man appeared or shewed himselfe to be greived or discontented therwith. [259]

Itt was confidently alledged y^t y^e Virginia Planters had earnestly desyred 5
of his Ma^{ty} to bringe all their Tobacco into England and that this Peti- Suppressinge of y^e
tion was by y^e Officers of y^e Company suppress. Planters Petition.

Noe man that ever sawe this Petition and hath not a mynde willfully to put 6
injuries vpon the Company could ever force or serue this sence out of itt, and Answer.
this will easily apear by the originall Petiōn itt selfe now remayninge in the
handē of y^e Lord Treasurer.

Butt the occasion of the Petiōn of the Planters was this that by reason ||of||
some Monopolizinge the wholl Trade of Tobacco those of Virginia as well as
any other were by a Proclamation forbidden to bringe in Tobacco butt vpon
such Condiōns as the Patentees would enforce vpon them w^{ch} occasioned this
petition ~~only~~ conteyninge an humble sute to yo^r Ma^{ty}: that they might not
be restrayned from ventinge of their Comoditie in these Kingdomes and the
reason why this Petiōn was not deliuered was, for that before our receiuinge
of the Petiōn that restraints by the Proclamation was alredy taken of.

To disgrace y^e Proceedings of y^e Companies they alledge y^t no buisi- 6
nes can be done in y^e Courte by reason of faction and wranglingē. Faction

Itt is an odd thinge for men to Complaine of that wherein themselves ar prin- 6
cipally faulty: But wth soe generall an extent the Obiection is vntrue for these Answer

fower years past the Courts haue been carryed soe peaceably and quyetlie as can hardly be parraelled in any Assembly consistinge of such an number.

But wth all itt is true y^t Divers discontented psonns who now have ioyned together in impugninge the Contract have waited for all occasionns to worke disturbance and trouble in the Companies, whose faces for diuers years together have not been seen in Courts save onely att such times as when they com to raise a tempest; Butt the causes of their seuerall discontent^e and ill affections shall in their due place hereafter more att large appeare.

In the meane time shⁱⁿg this answere wee will onely observe this that when they have mustered their forces together and sent for their strength out of the Country ther is att the most butt 26: Opposites to the Courts: Wheras y^e Virginia Company consists of neer one Thousand psonns wherof many times two hundred assemble att once, and the Summer Iland^e Company of aboue one hundred and Twenty seuerall Adventurers and many times 70— or 80— assemble att one Courte soe that what soeuer they have alleadged as ffaction in the Companies must needs reflect on them selvs because in all Societies well gouerned the Maior pt doth invoule the consent of the lesser: w^{ch} opposinge make themselvs therby to be the pty ffactions. [260]

7
Vnfitt Gouverment.

They alleadge that y^e Gouverment as it now stands is Democraticall and tumultuous and therfore fitt to be altered and reduced to the hands of some few personns.

Answer.

The Gouverment is no other then by yo^r Ma^{ty}: in yo^r Letters Patent^e is prescribed vnto vs: And itt is a bold censure thus to taxe a Gouverment ordayned and constituted by such an authority Butt besides, their Allega^çon is a slaunder for y^e Gouverment is not Democraticall.

ffor first wee have not supreamie authoritie ouer the people of the Plantations butt Gouverne them vnder yo^r Ma^{ty} by authority deryved from yo^u and accordingly to yo^r lawes as neer as may be, and are accomptable to yo^r Ma^{ty} therfore & y^t Gouverment cannot be tearmed Democraticall wher the Kinge onely hath absolute power and where the people swear alleagiance onely to him butt is truly Monarchycall.

Secondly the Companies are soe farr from havinge absolute power ouer those people that when any of them haue Comitted offences of what high nature soeuer as hath appeared lately by two notorious examples: if hee scape punishm^t in y^e Planta^çons wher they have power by yo^r Ma^{ty} fres Patents to punish him hee may here out face the Companies as they doe and they have no means of redress butt by appeallinge to higher Iustice.

Itt is true that accordinge to yo^r Ma^{ty}: Institucon in their Letters Patent^e the Gouverment hath some shew of a Democraticall forme w^{ch} is in this case the most iust and most pfitable and the moste apt means to worke the ends and effect desyred by yo^r Ma^{ty}: ~~for ene~~ §for§ the benifitt encrease and wealth of these Plantacons, by w^{ch} the proffitt of yo^r Ma^{ty} of ye Adventurer and Planter will rise together.

Most iust because these plantacons though furthered much by yo^r Ma^{ty}'s grace yett beinge not made att yo^r Ma^{ty}'s charge or expence but cheifly by the pryvate purses of the Adventurers they would neuer §have§ Adventured in such an Accon wherein they interress their owne fortunes if in the regulatinge and gouverninge of their owne buisines their owne votes had been excluded.

And most profitable for y^e advanceinge [of] the Plantacon because of the great supplies w^{ch} the necessities of the people there often require and cannott be sent but by the purses of many, who [261] if a few had the managinge of the buisines would and that not wthout reason leave them vnsupplied: And wheras they cry out against Democracie^{all} and call for Oligarchie they make not y^e Gouverm^t therby either of better forme or more Monarchicall.

And to discerne what is the iudgment of a Company if ther be not ynanimity ther is no way but by pluralitie of voyces and if plurallitie of voyces were not ther would scarce att any time in any poynte be ynanimitie in any Assembly, that ynanimitie that is proceedinge for the most pt from Dispaire of prevaylinge in their pryvate opinions or from shame to Discouer opposicon to publique good.

Butt this obiection sufficiently Discouers y^t they desire to drawe all things into their owne power to w^{ch} end ther hath of late been a conspiracy plotted in the Summer Ilands and vndertaken to be psecuted here by the Gouverno^r and Captaine Butler who is newly returned wherein hee findes correspondencie here at home by some who have openly professed, that they desire the same.

For y^e Tumultuousness objected itt is answered vnto before in y^e Obiection of flaccion and appears to pceed onely from themselves.

Hauinge thus given answers to the seeming most materiall scandalls and imputacons hopinge those of lesser consequence when the greater are so manifestly Disproved as before have lefte both their waight and releife, Wee are now to Discouer the true causes though disguised by the Opposers why these 26 so much labour to disgrace y^e Gou⁹ment and in effect to bringe to ruine both the Plantacons by their secrett whisperings and insinuations and by their continuall vnderhand practises to putt vppon the Companyes those faults w^{ch} in the

Court℄ they dare neuer maineteyne, butt quallyfied wth such Distinctions as amount to a Denyall of that w^{ch} they have been consious to have spoken in other places to the Companies preiudice.

And this yo^r Ma^{ty} may be pleased further to vnderstand that though itt be true that of late these 26: haue shuffled and made a great noyse in y^e Somer Ilands Court℄ wher they are allmost a fourth parte of the Company, yett in the Virginia Court℄ consistinge of a greater nomber they have seldom ventured to offer any disturbance and opposiçon to the proceedings ther.

1
Enuy.

The first Cause of these mens malice proceeds from the ill affection of the Old Officers of the Companies out of whose hands (y^e Plantaçon haueinge not well thrived vnder them) the Gouverment was necessarily taken and the prosperitie of the same since appearinge and y^e benefitt of that removall implyinge a prooofe of their misgoverment hath so much offended them that now they endeavour the better the ||to|| couer y^t fault by publique disturbances and pryvate practise and confederación¹ to hinder the present prosperity and hopefull encrease of y^e Plantaçonns In pticuler for the Plantaçon of Virginia how itt declyned then & hath prospered since; wee remitt in this place, to the Declaration of the present State of Virginia.

Butt this change of the Officers and great change in the State of the Plantaçons hath stirred vpp so much enuy in them, as they have not forborne by frequent imputaçons layd on by themselvs by settinge to their hands in attestaçon of most scandalous and false petiçons by sometimes pcuringe Complaints againste the Courts [262] and by publique encourragm^t and protecçon of personns declared enimies to the Companies to bringe the present managinge of the Plantacons into confusion and disgrace.

2
Declyninge of beinge
called to an
Accomp^t

The Second cause is that the principall of those §Cittizens§ and some others that weaue themselvs into this opposiçon party w^{ch} are butt few are for the most pt such as haue heretofore borne office in one or both of y^e Companies either here or in the Plantaçons who haueinge not cleered their many Accompts some of w^{ch} are verie suspicious and beinge prest by the Companies to Accomp^t doe vse all the Arte that mallice cann invent to doe preiudice §to§ & cause disturbance in the present Gouverment; by y^t means to shroud themselvs from a due and quyett examynaçon, and soe in the storme and confusion to goe away as by this means hetherto they have donne vndiscovered.

3
feare of beinge
Called into questiō
for destroyinge of
y^e Plantaçon

Thirdly some other of these Opponents and of other rancke have had their hand ptlie in spoylinge the Plantaçon of Virginia and settinge out a Ship called the Treasurer for robbinge into the West Indies and ptlie in abettinge and protectinge those y^t have soe done and that wth vyolence to the great offence

¹ Written over the word "consideración."

scandall & losse of the Company and their ends not fully answeringe their hopes hath caused them to abandon the Court℄ for Virginia save onely in poynte pcuringe their trouble by that means to keep the Company from leasure to call such offences into question.

And itt is very apparant y^t whosoever is an enymie or hath done wronge to ye Company hath recourse to and is p^rected by some of these Opponents.

And in this manner for these causes w^{ch} may be fixed vpon most of the 26: ⁵ those fewe y^t remayne are either Servants or have necessary dependencie ^{Dependancy.} vpon some of y^e rest.

Butt these psonns by this opposiçon have sufficiently declared their want of care for the good of the Plantaçons in y^t haveinge indeauored to ouerthrowe the Contract w^{ch} by the matter of Sole importaçon must needs have been of inestimable Comfote to both the Plantaçons by ventinge of y^t one Comodity of Tobacco to the value of att least one hundred Thousand pounds a year have yett to this Day instead thereof offered no new proposiçon for y^e good of the Plantaçons butt rest onely content wth distroyinge of y^t w^{ch} was before established.

Butt if itt would please yo^r most sacred Ma^{ty}: seeings that the principall ends ^{Remedy.} of the Companies in followinge the buisines of these Plantaçons are for y^e honour of yo^r Ma^{ty} times (3) §in propagating of Christian Religiō in those Barbarous p^{ts}§¹ for the enlargment of yo^r kingdomes for the encrease of yo^r Reuenue for the inrichinge of yo^r people and for the future strength of this State to giue contenance and encourragment to our proceedings to beleue well of the Companies and not to giue creditt to purposed informaçons of the members or some by their p^rurement against the bodies of y^e Companies to giue some testimony of yo^r gracious opinion and acceptance of our endeavors by letter or otherwise, w^{ch} might be for the honour and strengthning of the Companies, And that the rather because this late greate breach hath been occasioned by their forwardnes soe exceedingly to advance yo^r Ma^{ty}es proffitt therby hopinge to have gayned yo^r Ma^{ty}es gracious good opinion and protecçon, And if yo^r Ma^{ty} would be further pleased to thinke itt fitt to declare your future intençon y^t for y^e buisines of y^e Court℄, the Courts shalbe lefte freely to geuerne themselves accordinge to their Lawes and letter Patent℄ and wthall to giue presently some direcçon and order to y^e LL^{ts} of yo^r Counsell y^t if ther be any such pryvate conspiracie confederacō or opposiçon aa y^e Companies can neither remedy nor punish they then to help them in y^e remedy & punishm^t of the same. And lastly for such as haveinge been accused of heynous crimes coffytted in y^e Plantaçons & haue by vndue means and practize gotten

¹Inserted in the margin and referred to by a (3). See Plate 000.

hither, & here braue y^e Comp^t: to extend yo^r Ma^{ties}: power & send them back to the Plantacons ther to receaue their iust tryall; The Companies through theise favours shalbe enabled by beinge freed from these distracons cheerfully to proceed and in short time see to advance these Plantacons as shall give yo^r Ma^{ty} great content and cause to beleewe y^t these yo^r fauours haue been welbestowed and rightly vsed. [263]

And for the drawing vp of y^e said petiçon, & for y^e perfecting of y^e former writings (according to y^e alteraçons and amendments made in Court) vnto y^e former Comittee were adioyned these following viz^{tt}.

S ^r Edwin Sandis.	m ^r Berblock.
S ^r Edw: Horwood.	m ^r Withers.
m ^r Io: Smith.	m ^r Copland.
m ^r White.	Two Deputies.

who were entreated to meete that present afternoone thereabout.

M^r Deputy propounded S^r Walter Rawleighes sonne to be admitted into this Company, w^{ch} in reguard his father was y^e first discouere^r of Virginia was generally well liked of.

M^r Deputy Likewise propounded the passing of Three shares from m^r Webb. One share to Iohn Gibbens merchantaylor, One other to Iames Gibbens, A Third share to Lawrence Williamson.

A SUMMER ILANDES COURT HELD ON
SATTURDAY IN THE FORENOONE THE—12TH OF
APRILL—1623.

PRESENT.¹

After this the Lo: Cauendish taking y^e Chaire propounded the things done by y^e Virginia Company vnto y^e Summer Ilands Court, who by ereccon of hande did confirme, order and approue those things that concerned them.

¹The usual list of those present was not inserted in the manuscript.

To the Kinges most Excellent Ma^{ty}

The most humble petiçon of the Companies for
Virginia and y^e Summer Ilands.

Yo^r Ma^{ty} most humble Supp^t hauing vnderstood that Ald^rman¹ Iohnson hath lately presented a petiçon to yo^r Ma^{ty}: therein abusinge yo^r Ma^{ty} wth most vntrue Informaçons touchinge yo^r Supplyants and to the Derogaçon of that Gouerment w^{ch} vnder the Royall power of yo^r Ma^{ty} they exercise for y^e advanceinge of yo^r Ma^{ty} royall Plantaçons forasmuch as yo^r Supp^t haveinge requested of the said Alderman a Coppy of y^e Petition therby to be enabled to frame a dyrect and certaine answere to itt to y^e sattisfyinge of yo^r Ma^{ty}: (w^{ch} they affect aboue all things) can by no means obteyne the same. [264]

They humbly desire y^e yo^r Ma^{ty} wilbe gratically pleased to referr y^e hearinge of y^e Complaints of the said Alderman and his Associates to y^e bodie of yo^r Ma^{ty}: most honorable Priuy Counsell that from thence the Innocent may receaue Iustification and the Delinquents deserved punishment. And they most humbly pray allsoe y^e yo^r Ma^{ty}: in the meane time wilbe gratically pleased to receaue a true informaçon by the two writings herewith presented y^e same haveinge been p^{rs}ed and examined in their Courts and found true by the generall vote of both the said Companies the one conteyninge a Declaration of the present State of Virginia compared wth that w^{ch} itt hath formerly been, and the other conteyninge an answer to all such Calumnies and aspersions wherwith some of the Associates of the said Alderman (who have been allso for sundry years the Disturbers of the orderly and peaceable p^{ro}ceedings of the said Companies) have vniustly charged yo^r said supplyants or some of them.

And yo^r Supplyants haveinge the Comforte of yo^r Ma^{ty}: beinge sattisfied and assured of the continuance of yo^r Princely favo^r (beinge the life and ioy of both Companies and Plantations) shall p^{ro}ceed wth all Integrity, Industry, Patience & constancie in advanceinge those noble work^{es} soe much tendinge to yo^r Ma^{ty}: greatnes hono^r and profit.

And shall dayly allso pray for yo^r Ma^{ty}: most longe continuance in all princely felicitie.

¹The remaining part of this document is in the handwriting of Thomas Collett (?).

AN EXTRAORDINARY COURT HELD FOR
VIRGINIA ON THURSDAY THE 17TH OF
APRILL 1623

PRESENT

Right ho^{ble} Ea: of Warwick.
Lo: Cauendish.

S ^r Edw: Sackuille.	m ^r Widdowes.	m ^r Ed: Bennett.
S ^r Edw: Sandis.	m ^r Rich: Bennett.	m ^r Hobbs.
S ^r Io: Dāuers.	m ^r Baynham.	m ^r Cuff.
S ^r Nath: Rich.	m ^r Rider.	m ^r Webb.
S ^r Io: Bouchier.	m ^r Edwards.	m ^r Wilkinson.
m ^r Nich: fferrar Dpt.	m ^r Caning.	m ^r D'Lawne iuñ.
m ^r Io: fferrar.	m ^r Southerton.	m ^r Hackett.
m ^r Gibbs.	m ^r Berblock.	m ^r Seaward.
m ^r Io: Smith.	m ^r Palmer.	m ^r Leauer.
Capt Butler.	m ^r Balmford.	m ^r Dike.
m ^r Wolstenholme.	m ^r Copeland.	m ^r Harding.
Aldrān Iohnson.	m ^r Tho: Sheppard.	m ^r ffra: Waterhouse.
m ^r Palavicine.	m ^r Edw: Waterhouse.	m ^r Arthur Swayne.
m ^r Iames Butler.	m ^r Barbor.	m ^r Ewens.
m ^r Bing.	m ^r Withers.	m ^r Roberts iuñ.
m ^r Caswell.	m ^r Morewood.	with diuers others.
m ^r Ditchfield.	m ^r Woodall.	
m ^r Geo: Smith.	m ^r Newport.	
m ^r Swinhoe.	m ^r Ley.	

The Lo: Cauendish acquaynted the Company, that himselfe and the rest had deliuered the Companies petiçon, together wth y^e Declaraçon and Relation ordered by the Last Court vnto his Ma^{ty} who referred [265] it vnto y^e Lordē of the Priuy Counsell, before whome himselfe

and diuers of the Company had beene that morning, and by their order caused this Court to be warned, to consider of Letters to be written to both the Plantacons by y^e seuerall Companies. W^{ch} Tres his Lo^p sayd, it was the H^{is} pleasure should not make any manner of mencon of any dissencon and disturbancē here at home, whereby y^e Plantacons might be putt into any feare or discomfort; but contrarily should be assured of not onely y^e continuance, but increase of the Royall fauour of his Ma^{tie} towardē them. And further his Lo^p acquainted them, that the Lordē comaunded him to signify and giue warninge in the Court to all perticuler members of the Companie, that none of them should vpon their alleagiance dare to write any thing to either of the Plantacons concerninge matters of diuision or difference that had passed here at home, or any thing that might dishearten them or giue them discouragem^t or any thing contrary to the Publiq^{ue} Letters; and if they had already written, that they should recall their Tres. Herevpon the Court after some deliberacon agreed vpon certaine generall heades of Letters; according wherevnto m^r Deputy was entreated to drawe vp y^e Tres against too morrowe in the afternoone, when the Courtē would meete about that busines only.

S^r Nathaniell Rich propounded, that accordingly as he had in y^e Court of the [second of Aprill] moued the Companies would peticon for the Sole Importacon of Tobacco, except only 40000 weight of Spanish Tobacco to be yearely brought in; w^{ch} he said there was hope might be obteyned. W^{ch} Proposicon the former Court did not agree vnto, in reguard that they conceaued, that it was y^e intencon of y^e State so to stint forraigne Tobaccos, that noe more then 40000 weight of Spanish Tobacco should be brought in yearely; and therevpon it was not conceaued any waies preiudiciall to them, though the 40000 weight were brought in by others.

But now y^e Companie being giuen to vnderstand, that there was likely to be a free importacon of all sortē of forraigne Tobacco wthout stint, and that there was a Proclamacon shortly to come forth to that purpose, w^{ch} formerly they did not expect nor imagine; it was vnanimously adiudged, that that would be the vtter ouerthrowe of y^e

A free Importation the utter overthrow of the Plantations¹

¹ This marginal entry is in the autograph of Nicholas Ferrar.

Plantaçons, for that thereby the Tobacco would be brought downe to nothing. Wherevpon it was generally thought most necessary, to seeke and indeauour by all possible meanes to prevent this free importaçon; and since it could not be hoped to obtayne an absolute restreint, yet at least to petiçon his Ma^{tie} and the Lo: Treasurer that it might be limited to 40000 weight, and that in lieu of this limitacoñ, they would willingly here agree and binde themselues to bring in [266] all their Tobaccos hither, and doe their best to persuade the Colonie to doe the Like; Wherevpon the order following being propounded, was by erecçon of hande agreed vnto;

Whereas the Companies here for Virginia and the Suñer Ilands, had aduertizem^t of y^e continuance of the Lo: Trērs noble fauour to the Plantaçons advancem^t, they humbly entreate the

Earle of Warwick	m ^r Aldřan Iohnson
Lo: Cauendish	m ^r Gibbs
S ^r Edw: Sackuill	m ^r Ditchfield
S ^r Edw: Sandis	m ^r Palavicine
S ^r Nath: Rich	m ^r Bennett
S ^r Io: Dauers	m ^r Caninge
S ^r Io: Bouchier	m ^r Dike

to goe to y^e Lo: Trēr, and in their names humbly to petiçon his Lo^p to be a meanes to his Ma^{tie}, that they may haue the Sole Importaçon of Tobacco into England, wth excepçon only of 40000 w^{tt} of Spanish Tobacco to be brought in yearely; for w^{ch} they will for themselues here vndertake to bring in all their Tobacco, and doe their best to persuade the Colonies to agree therevnto, in regard of y^e benefitt of Sole Importaçon, and if the Colony shall not consent therevnto, then the bargaine to be dissolued. And they are likewise humbly entreated to desire, that the Companies may haue y^e refusall of bringing in the 40000 weight of Spanish Tobacco.

AT A COURT HELD FOR VIRGINIA AND Y^E
 SUMER LANDES ON FRIDAY IN Y^E AFTERNOONE
 Y^E 18TH OF APRILL. 1623.

PRESENT

Right ho^{bis} Lo: Cauendish.
 Lo: D'Lawarr.

S ^r Edw: Sackuill.	Capt Nath: Butler.	m ^r Woodall.
S ^r Io: Brooke.	m ^r Couell.	m ^r Tatam.
S ^r Edw: Sandis.	m ^r Leauer.	m ^r Viner.
S ^r Io: Bouchier.	m ^r Scott.	m ^r Roberts.
S ^r Nath: Rich.	m ^r Balmeford.	m ^r Hobbs.
m ^r Deputy.	m ^r White.	m ^r Geo: Smith.
m ^r Gibbs.	m ^r Ditchfield.	m ^r Cuff.
m ^r Steward.	m ^r Seldon.	m ^r D'Lawne iuñ.
m ^r Bing.	m ^r Edw: Waterhouse.	m ^r Ewins.
m ^r Butler.	m ^r Copland.	m ^r Downes.
m ^r Wolstenholme.	m ^r Wheatly.	m ^r Martin.
m ^r Geo: Garrett.	m ^r Whithers.	m ^r Io: Palmer.
m ^r Tho: Sheppard.	m ^r Bland.	m ^r Kirby.
m ^r Barbor.	m ^r Palavicine.	m ^r Moorewood.
m ^r Caswell.	m ^r Edw: Bennett.	m ^r ffothergill.
m ^r Berblock.	m ^r Owen Arthur.	m ^r Moorer.
	m ^r Sparrowe.	with diuers others.

The Court held y^e 17th of this present moneth was now read, & being putt to the question, was by a generall ereccon of hande (noe one dissenting) confirmed to be truly sett downe. [267]

The Lo: Cauendish acquaynted the Company, that the Comittee appointed by the last Court, hauing had some conference wth the Lo: Treasurer about that Proposition & request, w^{ch} the sayd C^{rt} was

desired might be made to his Lo^p in y^e name of y^e Companies, viz^{tt} That he would be a meanes to his Ma^{tie}, that they may haue the Sole Importa^{ti}on of Tobacco into England, wth y^e excep^{ti}on only of 40000 weight of Spanish Tobacco. W^{ch} Proposition and Request his Lo^p hauing read (being deliuered vnto him as it is sett downe in y^e former Court) sayd, he would acquaynt y^e king therewith, and they should receaue an answere wthin few dayes, His Lo^p professing he bore that Loue vnto y^e Planta^{ti}ons, that although he was the Kings ma^{ty} publiq^h Officer; yet he would be contented to decline somewhat from his Ma^{ty} profitt for y^e good of y^e Planta^{ti}ons. And being further moued, that his Lo^p would vouchsafe to be a meanes for y^e 400 young persons formerly p^{ro}misd to be sent to Virginia; His Lo^p seemed well disposed to forward that suite, whensoever the Company should peti^{ti}on for them.

Herevpon it was moued by some, that it might now be taken into considera^{ti}on, whither it were not fitt to peti^{ti}on the Lord^e for y^e sayd 400 persons; But it was rather thought fitt to respite y^e same awhile, vntill they may be better informed of the State of the Country and Collony in Virginia, & whither y^e Aire there be soe vnholosome & vnhealthfull for people to liue in; as hath beene of late confidently reported to his Ma^{tie}.

It being now allmost ffiue a clock, it was vpon mo^{ti}on generally agreed & ordered by either Company, that both Court^e should be continued till businesses were ended.

M^r Deputy being entreated by the Last Virginia & Sumer Ilandes Court to drawe vp the publiq^h Letters according to those generall head^e, w^{ch} were then agreed on did now present the same to be read.

Wherevpon there was first read the draft of a L^{re} to y^e Gouvernour and Counsell of Virginia; w^{ch} being waighed, was by a generall erec^{ti}on of hand^e approued and ordered to be p^{re}sented to y^e LL^s of y^e Counsell.

In like manner the generall L^{re} to the Gouverno^r & Counsell of the Sumer Iland^e, was read, and by generall erec^{ti}on of hand^e approued.

The Court entreating the Lo: Cauendish and the rest of the Committee appointed by the former Court to present the sayd Tres vnto y^e Lordē of y^e Counsell, sometye too morrowe in y^e afternoone, as their Lo^{ps} had appointed. [268]

A COURT HELD FOR Y^r SUMER ILANDē
THE 18TH OF APRILL 1623.

PRESENT.¹

M^r Ditchfield moued and desired to knowe how himselfe and such others as stood engaged for y^e 1000^{li} taken vp at interest of the Chamber of London for y^e Companies vse should be disingaged; seeings the Company should come short of a great part of y^e Imposicon vpon y^e Sum̄er Ilandē Tobacco, by reason stay was made of the Groatē vpon the Planters Tobacco; But he sayd, he hoped y^t y^e Lordē being otherwise informed, would order it otherwise; considering the mony taken vp, was wholly employed vpon charge necessary for the defence of the Ilandē, and for y^e generall behoofe and benefitt of the Planters themselves. Herevnto answer was made, that the Company were in noe fault touching the said stay; who had done asmuch as they could to withstand and oppose it.

Wherevpon it was aduised by some, that they would petiçon to y^e LL^s of y^e Counsell about it, & to present y^e same at such tyme as y^e former Committee are to attend their Lo^{ps} whereby they might haue their furtherance & assistance. W^{ch} course was Liked of & resolved vpon accordingly.

¹The list of those present was not inserted in the manuscript.

A COURT HELD FOR VIRGINIA ON WEDENSDAY
IN THE AFTERNOONE THE 23 OF APRILL
1623.

PRESENT

Right hono^{ble}

Ea: of Dorsett.	S ^r Edw: Sandis.
Lo: Cauendish.	S ^r Io: Dāuers.
Lo: D'Lawarr.	S ^r Io: Bouchier.
S ^r Io: Brooke.	S ^r Edw: Horwood.

m ^r Aldran Iohnson.	m ^r Scott.	m ^r Moorewood.
m ^r Nich: fferrar Dpt.	m ^r Seaward.	m ^r Wentworth.
m ^r Io: fferrar.	m ^r Steward.	m ^r Baynard.
m ^r Gibbs.	m ^r Wheatly.	m ^r Sheppard.
m ^r Bing.	m ^r Hobbs.	m ^r Swinhoe.
m ^r Iames Butler.	m ^r Iadwin.	m ^r Bull.
Cap. Nath: Butler.	m ^r Gough.	m ^r Caninge.
m ^r Io: Smith.	m ^r Proctor.	m ^r Kirby.
m ^r Wolstenholme.	m ^r Downes.	m ^r Cuff.
m ^r White.	m ^r Caswell.	m ^r Tatam.
m ^r Robert Smith.	m ^r Newell.	m ^r Melling.
m ^r Palavicine.	m ^r Budge.	m ^r ffothergill.
m ^r Bland.	m ^r Neuill.	m ^r Newport.
m ^r Ditchfield.	m ^r Edw: Waterhouse.	m ^r Roberts.
m ^r Withers.	m ^r Mullins.	m ^r Rider.
m ^r Addison.	m ^r Ley.	Cap: Haruy.
m ^r Balmford.	m ^r Robins.	m ^r Nicholls.
m ^r Copland.	m ^r Leauer.	m ^r Baron.

m ^r Etheridge.	m ^r Couell.	m ^r Palmer.
m ^r Widdowes.	m ^r Winne.	m ^r Barker.
m ^r meuerell.	m ^r Seldon.	m ^r Hackett.
	m ^r Moorer.	m ^r Ewens.
	m ^r Webb.	m ^r ffelgate.
	m ^r Sparrowe.	m ^r ffra. Waterhouse.
	m ^r Cartwright.	w th diuers others. [269]

The Court held the Second of this moneth was now read, whereat noe man taking excepcion, it was putt to y^e question, and by a gen^lall erec^on of hand^l (noe one dissenting) confirmed to be rightly sett downe.

The Court also of the Twelueth of y^e same moneth was read and by a generall erec^on of hand^l confirmed.

The Court Likewise of y^e Eighteenth of this moneth was read, & by a generall erec^on of hand^l approued & confirmed.

Vpon notice giuen of the Ann's departure from Grauesend notwithstanding the H^o of the Counsell's order to S^r Iohn Wolstenholme to stay her till further direc^on. It was informed by m^r Woodall and m^r Dennis shee was safe at Portesmouth, and that they were assured shee went not to y^e Sum^r Ilandes as was supposed.

S^r Iohn Brooke, m^r White and m^r Ditchfield were by this Court desired to goe too morrow morning to y^e Lo^r: Treasurer in y^e Companies name humbly to desire y^e continuance of his Lo^{ps} fauour for the attayning of the Companies suite, that there be noe more then 40000 weight of Spanish Tobacco to be brought in yearely; And further to acquaynt his Lo^p wth y^e great damage & inconvenience that ariseth to the poore Passengers that lye at the Isle of Wight by delay of y^e Shipp; And humbly therefore to beseech his Lo^p, that the H^{rs} fre may be expedited, that accordingly the Shipp may be dispatched. And further humbly to acquaynt his Lo^p, that concerning those addi^ons required in M^r Dickenson's Lre; that although they doe not knowe of any diuision or distraction in the Colonies, yet in obedience to his Lo^{rs} comaund they

will add a clause to that effect, And for certefying them of the course appointed by his Ma^{tie} for their good, and redresse of all inconveniencies, they will send their ll^{ps} order, if his Lo^p soe please. But for the §Two§ first point^e to signifie vnto them, that y^e Contract is dissolved, and that there must be a free Importaçon, they conceaue that the Last point wilbe the most discomfortable newes vnto y^e Colonies, that possibly can be; It being generally adiudged in their Court^e, and confessed by them that haue most opposed the Contract, that if there be a free Importaçon of Tobacco, and yet the Colonies bound to bring in all, that their Tobacco will come to iust nothing, and that the Plantaçons wilbe vtterly ruyned. Wherefore the Companies most humbly desire, they may not be pressed to signify or say any thing concerning the breach of y^e Contract, except they may giue assurance of this new fauour for w^{ch} they are Suito^{rs}.

They are humbly also to desire his Lo^p that the order may be explained and sett downe concerning the not sending any [270] L^{res}, the Company conceauing that at Counsell table, the l^{ts} did ~~not~~ only forbid them to write any Letters touching any contentious busines here at home: But that they did absolutely giue them Leau^e to write concerning their perticuler and priuate affaires, w^{ch} wthout aduise by Letters, would suffer much damage & preiudice, and be a cause of infinite grieffe and discontent to y^e Colonie to receaue noe L^{res} from them.

The Lo: Cauendish acquaynted the Court, that whereas a Petition was delinered to his Ma^{ty} by m^r Ald^{ran} Johnson, as also an Imformaçon by Capt Butler termed by him The Vnmasked face of our Colonie in Virginia, w^{ch} was the occasion the Company likewise presented to his Ma^{tie} their Two writings, viz^{tt} the Declaracon, & Relation, together wth a Petition, Ioyning therein wth m^r Alderman in y^e issue of his Petition, namely y^t y^e examinaçon & rectefying of y^e matters compleyned of might be referred to y^e l^{ts} of the Counsell. W^{ch} petiçon of m^r Ald^{ran} and his Associate and Informaçon of Capt Butler being now sent vnto y^e Comp^y, his Lo^p propounded they might be read, and afterward^e some course thought on for preparing of matters in answe^r therevnto against y^e sitting of y^e Comission^{rs}.

Wherevpon m^r Alderman ||Iohnson|| petiçon was first read, being as followeth

To y^e Kings most excellent Ma^{ty}:¹

The humble Petition of Sundry the Aduenturers and Planters of the Virginia and Sum^r Ilands Plantaçons

||Most graceous Soueraigne||

Amongst the many memorable works of yo^r Ma^{ty}: gracious Raigne those of the Plantaçons of Virginia and the Sum^r Ilands are not the least, The begininge of w^{ch} enterprize beinge the first florraigne Colony planted by our nation accompanied wth soe great a charge to furnish Ships and men and to make yearly new Supplies w^{thout} any present hope of retribuçon, was sufficient att the first veiwe and computaçon to haue discouraged y^e most resolute and forward Adventurers butt by Gods Assistance and yo^r Ma^{ty}: gracious encourragm^{ts} wth that discreet and mylde Gouvern^t first nomynated and appoynted by yo^r Ma^{ty} All sorts of men were in such kindely and frendly manner invited to engage themselves y^t notwthstandinge many difficulties that great Acçon (w^{ch} otherwise had perished in the birth) not onely tooke life and beinge butt pceeded in a moste hopefull and comfortable Course for many years togeather wth vnity and love amongst ourselvs, & quyett enterteynn^t of those Sauadg Indians by w^{ch} endeavours sundry of those Infidells and some of emynent sort were converted to Christian Religion, Staple Comodities began to be raysed and imported into this kingdome, as Iron, Sturgion, Caueary, Sope and Pottashes, Masts for Ships, Clapbourd Pipestaues Waynscott, Wine, Pitch, and Tarr and y^t most desyred worke of Silkwormes: Thesse were y^e blessings then vppon our peaceable proceedinge.

Butt wee know not howe itt is of late years com to passe that notwthstandinge yo^r Ma^{ty}es Subjects haue been in great multitude exported to the Plantaçons yett y^e aforesaid Comodities and other y^e fruits of y^t worke doe not appear as in former times o^r vnitie and peace att home is turned to Civill discord and dissençon amongst o^rselvs and to Massacre and Hostility between y^e Natives and our Colony in Virginia, and divers of y^e Antient Adventurers and Planters conceive themselvs many wayes iniured abused and oppressed In w^{ch} respect fearinge y^t y^e ytter ruine and distrucçon of those great works is like to followe w^{thout} the help of a supream hand, and not holdinge itt fitt to trouble yo^r sacred ears wth pticularr Complaints, wee are forced for remedy to appeale to yo^r moste excellent ma^{ty}:

¹This petition is entered in the handwriting of Thomas Collett(?). It is referred to in List of Records, No. 445, Vol. I, page 168, *ante*.

Humbly prayinge y^t some worthy personages whom yo^r Ma^{ty}: shall please may be nōiated and appointed by y^r Cōmission vnder y^e great Seale of England who by Oath or otherwise by all lawfull means and waies may enquire and examine y^e true estate of y^e Plantacons att y^e time when S^r Thomas Smith lefte y^e Gouerment of y^e said Comp^a: and all incidents thervnto belonging, as also what monneys since y^t time haue been collected for y^e Plantacons and by whome how y^e same haue been procured & expended [271] and what after y^e expence of somuch monny is y^e true estate & Condiçon of y^e said Plantacons at this ~~time~~ present: As also to enquire into all abuses and greivances concerninge the former pticularrs And of all wrongs and iniuries done to any the Adventurers or Planters and the grounds and causes therof, and to propound how the same may in time to come be reformed and howe the buisnesses of y^e said Plantacons may be better mannaged Soe that all Contentions and difficulties being reconciled the Authors therof condignely punished vntie and peace resettled, and y^e forme of Gouerninge and Dyrectinge these Affaires beinge better established, that worke may prosp wth a blessinge from heaven to yo^r Ma^{ty}s great honour and proffitt and to those religious and publike ends for w^{ch} they were first vndertaken.

Next was read Captaine Butlers dismasking of Virginia being as followeth.

The Vnmasked face of o^r Colony in Virginia as it was in the Winter of y^e yeare 1622¹

I found the Plantacons generally seated vppon meer Salt Marishes full of infectious Boggs and muddy Creeks and Lakes, and therby subiected to all those Inconvenyencies and diseases, w^{ch} are soe comfly found in the most vnsound and most vnhealthie partes of England, wherof every Country and Clymate hath some.

I found the shores and sides of those pts of the mayne River wher our Plantacons are settled every wher soe shallow as no Boate can approach the Shores Soe that besides the difficulty daunger and spoyle of goods in y^e Landinge of them, the ||poore|| people are forced to a continuall wadinge and wettinge of themselvs and that in the prime of winter when the Ships commonly arrive & therby gett such vyolent surfeits of Cold vppon Cold, as seldome leave them vntill they leaue to live.

The new people y^t are yearly sent ouer w^{ch} arrive here for the most parte verie vnseasonably in winter finde neither Guesthouse Inn nor any the like place to shroud themselvs in att their Arrivall no not so much as a stroake

¹This document is in the Public Record Office, State Papers, Colonial, Vol. II, No. 20, I. For fuller citation see List of Records, No. 388, Vol. I, page 162, *ante*. It is inserted in the handwriting of Thomas Collett (?).

given towards any such charitable worke soe that many of them by want herof are not onely seen dyinge vnder hedges and in the woods, but beinge dead by some of them for many dayes vnregarded and vnburied.

The Colony was this winter in much distress of victuall soe that English meale was sould att the rate of Thirty shillings a bushell their owne native Corne called Maize att Tenn and fifteen shillings the bushell, the wth howsoever itt lay heavy vppon the shoulders of the Generalltye itt may be suspected not to be vnaffected by some of the cheife; for they onely haueinge the means in these extremities to Trade for Corne wth the Natives doe hereby engrosse all into their hands and soe sell itt abroad att their owne prizes and myselfe have heard from the mouth of a prime one amongst them that hee would never wish that their owne Corne should be cheaper amongst them then eight shillings the bushell.

Their howses are generally the worste that ever I sawe the meanest Cottages in England beinge every way equall (if not superiour) wth the moste of the best. And besides soe improvidently and scatteringlie are they ~~built~~ seated one from an other as p^{tly} by their distance butt especially by y^e interposiçons of Creeks and Swamps as they call them, they offer all advantages to their Sauadge enymies and are vtterly depryved of all suddaine recolleçon of them selves vppon any termes whatsoever.

I found not the least peece of flortificaçon: Three peeces of Ordinance onely mounted att James Citty and one att flowerdue hundred butt never a one of them serviceable; Soe y^t itt is most certaine that a Small Barke of 100 Tunn may take its time to pass vpp the River in spite of them; & cominge to an Anchor before y^e Towne may beat all their houses downe aboute their ears and soe forceinge them to retreat into the woods may Land vnder y^e fauour of their Ordinance and rife the Towne att pleasure. [272]

Expectinge accordinge to their printed bookes a great forwardnes of divers and sundry Comodities att myne aryvall I found not any one of them soe much as in any towardnes of beinge for the Iron-works were vtterlie wasted and the men dead the ffurnaces for Glasse and Potts att a stay and in small hope; As for the rest they were had in a generall derision even amongst themselves & the Pamphelts y^t had published their beinge sent thither by hundreds were laughed to scorne and every base fellow boldly gave them the lye in diue^r pticulers Soe y^t Tobacco onely was y^e buisines and for ought that I could here every man madded vppon that and little thought or looked for any thinge ellse.

I found y^e Antient Plantaçons of Henrico and Charles Citty wholly quitted and lefte to y^e spoyle of the Indians who not onely burned the houses said to be

once y^e best of all others, butt fell vppon the Poultry, Hoggs, Cowes, Goats and Horses wherof they killed great numbers to y^e great greife aswell as ruine of y^e Olde Inhabitants whoe stick not to affirme that these were not onely the best and healthiest parts of all others butt might also by their naturall strength of scituacōn haue been the most easefully p̄served of all others.

Wheras accordinge to his Ma^{ty}: gracious Lres Patents his people in Virginia are as neer as possibly may be to be gouerned after the excellent Lawes and Customes of England; I found in y^e Gouvern^t there not only ignorant & enforced strayings in diuers^e pticularrs butt willfull & intended ones In soe much as some who vr̄ged due conformitie haue in contempt been termed men of Lawe, and were excluded from those rights w^{ch} by orderlie p̄ceedinge they were elected and sworne vnto here.

There haveinge been as itt is thought not fewer then Tenn thousand soules transported thether there are not through the aforementioned abuses and neglects aboue Two thousand of them att the present to be found alive many of them also in a sickly and despate estate: Soe that itt may vndoubtedly be expected that vnless the confusions and pryvate ends of some of y^e Company here and y^e badd execucons in secondinge them by their Agents there be redressed wth spede by some diuine and supreame hand y^t in steed of a Plantacon itt will shortly gett y^e name of a slaughter house and soe iustly becom both odious to our selvs & contemptible to all the world.

Which being read, it was thought fitt for satisfacōn of such as seemed to be much discouraged wth this his confident report touching the vnhealthines of y^e Country, and ill seating of y^e Colony in Virginia (it being by some persons of worth informed that vpon this Informacōn there was like to be a stay of many hundredē that were preparing to transporte themselues) to heare the reports of such as had beene long and often in Virginia. Wherevpon diuers being nowe present in Court, were asked perticularly; who affirmed vpon their certen knowledge, that at euery Plantacon by and neere about that riuer, they may Land wth Boats drawing Three foote water from halfe flood to halfe ebbe safe & dry wthout wetting their foote. And further that they finde by their owne experience, the Aire there as wholesome, and the soyle for y^e most part as fertile as in any place in England, or in any Country wheresoeuer they haue trauelled.

But for further preparing of the answeres aswell to this Informacōn, as also to y^e Peticōn of Alderman Iohnson & his Associatē, and like-

wise for giuing y^e charge & makinge [273] the remonstrance of the proceedings of y^e former yeares and of those later foure yeares, w^{ch} y^e Company were to defend; It was resolved that since it would be too tedious, and impossible to passe these things in public Courts, that it should be done by way of Committees: But because the part^e of these buisnesses were very many, and therefore needed y^e helpe of many head^e; and considering that it was y^e defence & vpholding of y^e whole Company, and euery man had interest therein one way or other, It was therefore ordered, by erec^on of hand^e, that there should be first a great Committee of the whole Company in generall, whence noe man (free of the Court) should be excluded, but only these who by y^e deliuery of y^e Petic^on & Informa^on, had made themselves y^e Companies Accusers; w^{ch} since they still mayntayned, it was not any way reasonable, that they should be at y^e meetings & consulta^ons of the Company, when they were to prepare their owne defence, or giue these Opposers their charge; To w^{ch} diuers of them being present, and in perticuler Alderman Iohnson being present did agree, saying, that they did not desire to be present at any of y^e meetings of the Company to this purpose; & therevpon himsele & diuers others departed y^e Court.

It was likewise further ordered, that there should be chosen one to moderate businesses in this great Committee, & it was thought fitt, that in reguard the meetings were like to be many and Long, that he should haue an Assistant to helpe him, and to supply ||his|| y^e place vpon occasion of his absence. It was also ordered, that this great Committee should haue power to substitute & ordayne Sub Committees for y^e expediting of perticuler businesses, that by y^e parting of things among them, they might be y^e speedier and better accomplished: and that these Sub Committees should bring their labours & endeauo^{rs} to the great Committee, & being by them approued should be presented vnto y^e Generall Court: It was likewise ordered by erec^on of hand^e, that for these businesses the Counsell might assemble themselves, excluding those from their sayd meetings, who being of y^e Counsell had ioyned wth Ald^ran Iohnson in accusing y^e Gouvernem^t & Proceedings of the Company these ffoure Last yeares.

AT A COURT HELD FOR VIRGINIA ON
ffRIDAY IN Y^E AFTERNOONE THE 25 OF APRILL 1623.

PRESENT

Right hono^{ble} Lo: Cauendish.

S ^r Io: Brooke.	m ^r Meuerell.	m ^r Webb.
S ^r Edw: Sandis.	m ^r Kirby.	m ^r Proctor.
S ^r Io: Dauers.	m ^r Morris.	m ^r Owen Arthur.
S ^r Edw: Lawly.	m ^r Hobbs.	m ^r Careles.
m ^r Io: Bouchier.	m ^r Newport.	m ^r Harding.
m ^r Io: fferrar.	m ^r Edw: Waterhouse.	m ^r Bull.
m ^r Nich: fferrar. Deputy	m ^r Scott.	Cap: Bargraue.
m ^r White.	m ^r Barker.	m ^r ffelgate.
m ^r Copland.	m ^r Downes.	m ^r Collett.
m ^r Balmford.	m ^r Stone.	m ^r Cuff.
m ^r Addison.	m ^r Bland.	m ^r Sparrowe.
m ^r Caswell.	m ^r Wheatly.	m ^r Seldon.
m ^r Withers.	m ^r D' Lawne iuñ.	m ^r Moore.

m^r ffelgate.
m^r Etheridge.
m^r Swinhoe.
m^r Geo: Smith.
m^r Iadwin.
m^r ffelgate.
m^r Rayner.
m^r Mease.
m^r Prosser. }
m^r Seuerne. } Inhabs.
m^r Sanders. }
m^r Mole.

||wth diuers others||. [274]

S^r Iohn Brooke, S^r Iohn Bouchier and m^r White are desired to
repaire to the Lo: Treasuror, and to shew his Lo^p the additions made

to the Lre according to his Lo^m order, and humbly beseech his Lo^p that the Shipp be expedited, the delay thereof being the vtter vndoing of many poore Passengers that lye at the Isle of Wight, w^{ch} they signified by a Messenger purposely sent vp to entreat the Company to procure the dispatch of y^e Shipp, they hauing bestowed and Laid out all that they are worth in providing for their voyage & nothings Left there to mayntayne them a shore. Vpon w^{ch} great and pressinge occasion, diuers of y^e Counsell and Company to the number of ffifty, being assembled together in a generall Committee of the whole Company, thought fitt to make y^e Committee a Co^{rt} for y^e passing of this busines onely. And they are also further desired in y^e Companies names, humbly to beseech his Lo^p not to giue any Creditt or hearing to any Informa^{co}ns that shalbe giuen his Lo^p concerning any vnrespective or vndutifull passages in their Court^e against his L^{ps} or y^e ffs of his Ma^{ty} priuy Counsellis proceedings or Act^e; to w^{ch} wth all due obedience they submitt themselues. And for y^e perticuler Informa^{co}n giuen his Lo^p against the Deputie, that he should be soe bold as to putt it to question, whither the Companies would bring in all their Tobacco since that tyme their LL^{ps} had ordered that all should be brought in; They are desired in the name of the whole Court to testify to his Lo^p that that was an vntrue Informa^{co}n, & that there hath not beene any such question putt; nor any thing tending to that purpose since their Lo^{ps} order.

AT A COURT HELD FOR VIRGINIA ON WEDENSDAY
IN THE AFTERNOONE THE LAST OF APRILL 1623.

PRESENT

Right Hono^{ble} Ea: of Warwick.
Lo: Cauendish.
Lo: Lawarr.

S^r Edw: Sackuille.
S^r Io: Brooke.

S^r ffra: Leigh.
S^r Nath: Rich.

S ^r Edw: Sandis.	Chanc: of y ^e Dutchy.
S ^r Ro: Killigrue.	Collonel Ogle.
S ^r Io: Dauers.	S ^r Tho: Wroth.
S ^r Edw: Horwood.	S ^r Io: Bourchier.
S ^r Edw: Lawly.	S ^r Sam: Argoll.

Ald ^r an Iohnson.	m ^r Bull.	m ^r Nicholls.
m ^r Nich: fferrar Dpt.	m ^r Wheatley.	m ^r Edw: Waterhouse.
m ^r Io: fferrar.	m ^r Caswell.	m ^r Ditchfield.
m ^r Geo: Garrett.	m ^r Downes.	m ^r Sparrowe.
Capt Butler.	Cap: Bargraue.	m ^r ffran: Waterhouse.
m ^r Ro: Smith.	m ^r Viner.	m ^r Woodall.
m ^r Gibbs.	m ^r Swinhoe.	m ^r Barker.
m ^r Wolstenholme.	m ^r Meuerell.	m ^r Newport.
m ^r Bing.	m ^r Leauer.	m ^r ffothergill.
m ^r Palavicine.	m ^r Kirby.	m ^r Ley.
m ^r Wilmer.	m ^r Scott.	m ^r Hobbs.
Capt Haruey.	m ^r Edwardes.	m ^r Mullins.
m ^r Edw: Iohnson.	m ^r Sheppard.	m ^r Collett.
m ^r Iames Butler.	m ^r Lewes Hughes.	m ^r Webb.
m ^r Berblock.	m ^r Roberts.	m ^r Hackett.
m ^r Copland.	m ^r Ditchfield.	m ^r Preston.
m ^r Balmford.	m ^r Sherroe.	m ^r Wilkinson.
m ^r Addison.	m ^r Rider.	m ^r Proctor.
m ^r Caninge.	m ^r Edw: Bennett.	with diuers others.
m ^r Bland.	m ^r Geo: Smith.	

[275]

The Lo: Cauendish acquainted the Company, that diuers ancient Planters, m^{rs} of Shippes, Marriners, and sundry other persons that haue Liued Long in Virginia, and haue beene many tymes there, had presented y^e great Comittee wth an answere vnto Capt Butlers Informaçon, concerning the Colony in Virginia; wherein they did directly contrary the most mayne point^l of his Informaçon, prouing them to be false and scandalous; w^{ch} was by erecçon of hand^l ordered to be read, being this w^{ch} followeth.

The Answers of diuers Planters that haue long liued
in Virginia as alsoe of sundry Marriners and other
persons y^t haue bene often at Virginia vnto a paper intituled
The Vnmasked face of our Colony in Virginia
as it was in y^e Winter of y^e yeare—1622¹

1: I founde the Plantacons generally seated vppon meere Salt marishes full of infectious Boggs and muddy Creekes, and Lakes, & therby subiected to all those inconveniences and diseases which are soe commonly found in y^e moste Vnsounde & most Vnhealthy parts of England wherof euerie Country & Clymate hath some.

1: Wee say that there is no place inhabited but is conveniently habitable. And Answered
for y^e first Plantacon w^{ch} is Kiccoutan against w^{ch} (if any be) most exception may be made, itt is every way soe well disposed that in that place well gouerned men may enjoy their healths and live as plentifully as in any parte of England or other his Ma^{ties} Dominions, yett that there are Marishes in some places wee acknowledge; Butt soe as they are more Comodious for diuers good respects and vses then if they were wantinge. As for Boggs wee knowe of none in all y^e Country and for the rest of the Plantacons as Newports News, Blunt poynt Wariscoyake Martins Hundred, Paspaley and all the Plantacons right ouer against Iames Citty, and all the Plantacons aboue these w^{ch} are many they are verie fruitfull and pleasant Seates, free from Salt Marishes beinge all on the fresh River and they are all verie healthfull and high Land except Iames Citty w^{ch} is yett as high as Debtforde or Radclyffe.

2 I founde y^e shores and sides of those part^{es} of y^e Mayne Riuer wher ou^r Plantacons are settled euerie wher soe shallow as noe Boates can approach y^e shores soe y^t besides y^e difficulty daunger and spoile of goods in y^e Landinge of them, y^e people are forced to a Continuall wadinge & wettinge of themselues and y^t in y^e prime of winter when y^e Shipps commonly arriue, and therby gett such vyolent surfetts of colde vppon colde as seldome leaue them vntill they leaue to liue.

2 That generally for the Plantacons att all times from halfe floud to halfe Answered.
ebb any Boate y^t drawes betwixt three and 4 foote water may safely com in & Land their Goods dry on Shore wthout wadinge & for further Cleeringe of these [this] false obiections the Seamen there doe att all times deliuer the goods they bringe to the Owners dry on Shore, wherby itt plainly appears not any of y^e Country people there inhabitinge are by this means in daunger of their lives. And at a great many of Plantacons belowe Iames Citty and almost all aboue they may att all times Land dry.

¹ This document is in the handwriting of Nicholas Ferrar's assistant, Thomas Collett (?).

3 The new people y^t are yearly sent ouer which arriue here for y^e most part very Vnseasonably in Winter, finde neither Guest house Inne, nor any y^e like place to shroud themselues in at their arriuall, noe not soe much as a stroake giuen towards any such charitable worke soe y^t many of them by want hereof are not onely seen dyinge vnder hedges & in the woods but beinge dead ly some of them for many dayes Vnregarded & Vnburied.

Answer:

3 To y^e first they Answered that the winter is the most healthfull time & season for arrivall of new Comers True itt is y^t as yett theris noe Guesthouse or place of interteynm^t of ||for|| Strangers. Butt wee averr y^t itt was a late intent and had by this time been putt in practise to make a generall gatheringe for the buildinge of such a Convenient house w^{ch} by this time had been in good forwardnes had itt not pleased God to suffer this Disaster to fall out by the Indians. But although there be no publique Guesthouse yett are new Commers entertayned and lodged & p^{ro}vided for by y^e Gouverno^r in pryvate houses; And for any dyinge in the feilds (through this defecte) & lyinge vnburi^d, wee are altogether ignorant, yett y^t many dy suddenly by y^e hand of God, wee often see itt to fall out euen in this flourishinge & plentifull Cittie in y^e midst of our streets, as for dyinge vnder hedges theris noe hedge in all Virginia. [276]

4 The Colony was this winter in much distress of victuall soe that English meale was sould at y^e rate of thirtie shillings a bushell their owne natie Corne called Maize at ten and fifteen shillings the bushell, The w^{ch} howsoever itt lay heauy vpon y^e shoulders of y^e Generallytie it may be suspected not to be vnaffected by some of y^e cheife, for they only haueinge the means in these extremities to trade for Corne with y^e Natiues doe herby ingrosse ||all|| into their hands and soe sell y^t abroad at their owne prices, & my selfe haue heard from the mouth of a prime one amongst them y^t hee would neuer wish y^t their owne Corne should be cheaper among them then eight shillings the bushell.

Answered.

4 True itt is y^t English meale hath of late since the Massacre been sould for Tenn pounds of Tobacco y^e bushell w^{ch} no vnderstandinge man can there value aboue fifteen shillings sterlinge and here wee finde (wthout a Massacre) by the iudgment of God for our ~~murringe~~ smurmuringe att plentie Wheat hath this yeare been sould and still is in many places at three times the rate itt hath borne wthin two or three years last past: And againe Indian Corne hath heretofore comonly been sould after the rate of five shillings the bushell, And farther meale bore so high a price this year as itt cost redy mony in England together wth the freight & other charges neer vpon twelue shillinge soe y^t if itt were sould att Tenn pounds of Tobacco ther will not be gayned twenty in the hundred.

5 Ther Howses are generally the worst y^t euer I sawe y^e meanest Cottages in England beinge euery way equall (if not superior) with y^e moste of the best, And besides soe improuidently and scattringly are they seated one from an other as partly by their distance but especially by the interposiçon of Creeks and Swamps as they call them they offer all aduantages to their sauadge enimys & are vtterly deprived of all suddaine recollection of themselues vpon any tearmes whatsoever.

5. first that the houses there were most built for vse and not for ornament Answered
and are soe farr from beinge soe meane as they are reported y^t throughout his Ma^{ty}: Dominions here, all labouringe mens houses (w^{ch} wee cheifly p^resse our selvs to be) are in no wise generally for goodnes to be compared vnto them And for the houses of men of better Ranke and quallety they are soe much better and conveyent y^t noe man of quallety wthout blushing can make excepçon against them: Againe for the Creeks and Swamps every man ther that cannott goe by Land hath either a Boate or a Conoa for y^e Conveyinge & speedy passage to his neighbo^r house. As for Cottages ther are none in Virginia that they knowe.

6 I found not y^e least peece of ffortification, Three Peeeces of Ordinance onely mounted at Iames Citty and one at fflowerdue Hundred but neuer a one of them seruiceable Soe that itt is most certaine y^t a smale Barke of one hundred Tunns may take its time to pass vp the Riuer in spite of them & cominge to an Anchor before the Towne may beate all their houses downe aboute their eares, & so forceinge them to retreat into y^e Woods may land vnder y^e fauour of their Ordinance, & rifle y^e Towne at pleasure.

6 Itt is true theris as yett no other artificiaall ffortificaçons then Pallisadoes Answered
wherof allmoste everie Plantaçon hath one, & divers of them hath Trenches, And this last yeare Cap^t Eache was sent for y^t purpose As for great Ordinance there are fower peeeces mounted att Iames Citty and all seruiceable, ther are six Mounted att fflowerdue hundred all of them likewise seruiceable, And three mounted att Kiccoutan and all of them seruiceable, there are likewise att Newporte Newes three all of them seruiceable ther are likewise att Henrico seaven peeeces and att Charles hundred two, and in other places, besides fflowerd and Murders att divers places.

7 Expectinge accordinge to their printed Bookes a great forwardnes of diuers & sundry Comodities, At myne arriuall I found not any one of them so much as in any towardnes of being ffor y^e Iron workes were vtterly vusted, & y^e men dead, The ffurnaces for Glass and Pots at a stay, & in a smale hope, As for y^e rest they were had in a generall

derision euen amongst themselues, and y^e Pamphlets y^t had published there beinge sent thither by Hundreds wer laughed to scorne, and euery base fellow boldly gaue them y^e Lye in diuers perticulers, Soe that Tobacco onely was y^e buisines & for ought y^t I coulde here euery man madded vppon y^t and lyttle thought or looked for else any thing else.

Answer.

7 That y^e Country yeilds diuers^r vsefull & rich Commodities w^{ch} by reason of y^e Infancie of y^e Plantacon, and this vnexpected Massacre, cannot yett be brought to pfecon, & is no lesse hindred by y^e emulous and envious reports of ill willers whose pryvate ends by time wilbe discouered and by God recompenced. And wee doe further answer y^t this Country is a moste fruitfull Country, & doth certainly pduce diuers rich Commodities. Itt is true y^t the Ironworks are wasted & y^e men dead, but y^t was by the Massacre w^{ch} if itt had not happened ther had been a good prooffe of y^t Comodity. for y^e works wer in a very great forwardnes. As for Vines likewise ther were diuers Vineyards planted in sundry places butt all of them putt back by y^e Massacre, butt for the peoples derydinge of these Comodities or the books sent by y^e Comp^a: wee have neuer heard of any such scoffinge or derisions butt as the Gouvernor and Counsell ther are very desirous and haue sett forth Proclamacions to cause all men to sett both Vines and Mulbery Trees, so y^e people generally are very desyrous & forward to rayse those former Commodities of Wine and Silke, & likewise diuers other good Commodities. [277]

8 I found y^e Antient Plantations of Henrico, & Charles Citty wholly quitted and left to y^e spoile of y^e Indians who not onely burned y^e houses saide to be once y^e best of all others, but fell Vppon y^e Poultry, Hoggs, Cowes, Goates, and Horses wherof they killed great numbers to y^e greate greife as well as ruine to ye Olde Inhabitants, whoe stick not to affirme y^t these were not onely y^e best and healthiest parts of all others but might allsoe by their naturall strength of scituacon haue been y^e most easefully preserued of all others the rest.

9 Wheras accordinge to his Ma^{ties}: gratiuous Letters Patents his People in Virginia are as neer as possibly may be to be gouerned after y^e excellent Lawes and Customes of Englande. I founde in y^e Gouvern^t there not onely ignorant & enforced strayings in diuer particulers but willfull & intended ones; Insomuch as some who vrged due conformity were haue in contemp^t been tearmed men of Lawe, and were excluded from those rights which by orderly proceedings they were elected and sworne vnto here.

10 There hauinge been as it is thought not fewer then Tenn thousand soules transported thither ther are not through the afore named abuses

and neglects aboue Two thousand of them at y^e present to be found aliue, many of them alsoe in a sickly and desperate estate: Soe y^e itt may vndoubtedly *be* expected, y^e vnlesse y^e Confusions and pryuate ends of some of y^e Company here, and y^e bad executions in secondinge them by their Agents there be redressed with speed, by some diuine and supreame hand, that in steed of a Plantacon it will shortly gett y^e name of a Slaughterhouse, and soe iustly become both odious to our selues and contemptible to all the worlde.

All these wee leave to be answered by the Gouverno^r and Company some of Answers them beinge vnfitt to be determyned of by vs. And for y^e last wee being ignorant how many haue been transported or are now lyving there.

Wee whose names are herevnder and hereafter written have vppon mature deliberacon & after full examinacon and consideracon of the premises drawne vpp these answers beinge such as wee finde in our consyencies to be true, and shall att ail times iustifie them vppon our oathes In wittnes wherof wee have herevnder sett our hands.

I William Mease Mynister haveinge lived tenn years in Virginia and affirme all the answers aboue except that of the Ordinance and Pallisadoes.

William Mease.

I Marmaduke Raynor haue gone 3 seuerall times M^r of Ships to Virginia and lived 16 monneths there together and affirme all the answers aboue

Marmaduke Rayner.

I Iohn Procter haue lived 14 Years in Virginia & doe affirme all the answers aboue except that of the Ordinance and Pallysadoes but I knowe ther ~~are~~ is neer vppon 20 peeeces of Ordinance.

Iohn Procter.

I William Ewens haue gone M^r of Ships to Virginia 4 seuerall times & lived one wholl year ther or ther aboutes, and affirme all the answers aboue except that of the Ordinance and Pallisadoes.

William Ewens. [278]

I Iames Carter M^r of y^e Trueloue doe affirme all the answers within written butt y^e I haue not seen the Ordinance att Henrico and Charles Citty butt all the rest I haue.

Iames Carter.

I Gregory Pearle hauinge been Maistersmate and lived in Virginia 16 monneths doe affirme all the answers wthin written save that I haue not seen the Ordinance att Henrico and Charles Citty

Gregory Pearle.

I William Green ~~beinge~~ Chirurghion in the Temperance haveinge lived 17 monneths in Virginia doe affirme all the answers wthin written except y^t I have not seen the Ordinance att Henryco.

William Green ||Surgeon||.

I Henry Hitch Chirurghion of y^e James haveinge been 2 seu⁹all times in Virginia and lived att one time there about 5 monneths doe affirme all the Answers wthin written save y^t I know not of y^e Matters about Iames Citty.

Henry Hitch.

I Edward Sanders haueinge lived 3 years in Virginia doe affirme all the answers within written except that of the Ordinance and Pallysadoes and other matters y^t aboute Paspahay.

The marke of E S Edward Sanders

I Iohn Dennis M^r of y^e Marmaduk affirme all y^e answers within written except y^t of the Guesthouse y^e Ordinance, & y^e Palisadoes.

Iohn Dennis.

I Tobias Felgate haue gone M^r and Mate of Ships 5 times to Virginia & affirme all the Answers ||aboute|| except that of the Ordinance onely.

Tobias Felgate.

I Samuell Mole haue lived 3 years or ther aboutes in Virginia beinge a Chirvrghion and affirme all the Answers within written save that I have not sene the Ordinance att Henrico & Charles Citty nor haue been in Henrico.

Samuell: Mole.

I Thomas Prosser haue gone 3 times M^{re} Mate to Virginia and have lived att one time aboute 3 qtrs of a year there & affirme all the answers wthin written ~~save y^t I have not seen~~ ||except of that of|| y^e Ordinance & Pallysadoes.

Thomas Prosser.

I Robert Dodson haueinge been twice in Virginia ||do|| affirme all the answers wthin written for all matters from Iames Citty Downeward saveinge y^t I doe not knowe of y^e Proclamaçons for Vines.

Robert Dodson.

I Maurice Thompson haue liued 6 years in Virginia doe affirme all y^e answers wthin written saue y^t I know not ~~any thing~~ of the Ordinance att flowerdue hundred nor att Henrico and Charles Citty.

Maurice Tompson.

I Iohn Snoade haveinge lived 3 years and halfe in Virginia doe affirme all y^e answers wthin written ~~except~~ §savings§ y^t I §have not seen§ y^e Ordinance ~~and Pallysadoes and other matters aboute Paspahay~~ att flowerdue Hundred ||and|| Henrico and Charles Citty.

||Iohn Snoad. || [279]

And it was further ordered, that this their Answer should be presented to y^e Comission^{rs} when they should sitt.

There was likewise read the attestacōn of one Iohn Seuerne and one Iohn Lowe, being as followeth.¹

Iohn Seuerne Maisters mate of the Iames affirmeth, that cominge one morninge to Captaine Natha^l Butler for some monny due to him from the said Captaine, hee the said Captaine brought a Writinge in his hand sayinge hee had been wth the Kinge and protested that the writinge was for the good of the Contry and desyred him the said Iohn Seuerne to sett his hand there vnto and began to read some of itt butt the said Seuerne beinge in great hast did not attend the matter nor give ear what itt was butt sett his hand to the writinge, esteeminge and conceivinge Cap^t Butler to be a verie worthy man but since vnderstanding y^t itt was a writinge in disgrace of the Country the said Iohn Seuerne doth Disavowe the said writinge, as vntrue, and protesteth that hee vppon his Oath must say the contrary.

This 28 of Aprill—1623.

Iohn Seue^rne.

Iohn Lowe Boatswaine of the Iames cominge alonge wth Iohn Seuerne to Cap^t Butler sett his hand likewise to the writinge esteeminge Cap^t Butler to be a verie worthy gentleman and heard not but a few lines onely of y^e said writinge read wthout markinge itt, butt now hee vnderstandinge y^t itt was a writinge in Disgrace of the Country hee Disauoweth his said handwritinge, and protesteth that vppon his Oath hee must say the contrary.

This 28: of Aprill 1623.

Iohn Lowe.

It being moued that Capt Butler might haue a copie of this Answer deliuered him, the Court by erecōn of hande denied it, vntill such time as the Comission^{rs} sitting, it might be first presented vnto them.

After this was read the Letter written to the Gouverno^r and Counsell in Virginia, being the selfe same in all pointe wth that w^{ch} had beene confirmed in Two former Courtē, except an addicōn signifying the breach of y^e Contract directly according to their Lo^{ps} comaund.²

Whereas it was signified, that the Lo: Treasurer out of his noble respect and fauour vnto the Companies made offer, that they should

¹ These attestations are entered in the handwriting of Thomas Collett (?).

² The Order in Council disallowing these former letters is referred to in List of Records, No. 476, Vol. I, page 171, *ant.*

haue y^e farming of y^e 40000 w^{tt} of Spanish Tobacco at y^e rent of Six thousand pound℥ p Añu. for Two, Three or more yeares, as themselves should thinke good: It was after Long debate adjudged impossible for the Generall Companies (hauing noe Stock) to vndertake the same. Wherevpon diuers Propositions were made, some supposing it might be done wth Loane mony, if men would lend the Company some mony for a yeare Gratis; And to this end the Earle of Warwick offered to Lend One hundred pound℥, S^r Nathaniell Rich One hundred pound℥; m^r Ditchfield fiftie pound℥, & m^r Woodall ffiue & Twenty pound℥.

M^r Caning likewise made a Proposition, that a Booke might be drawne wth a Preamble for men to vnderwrite what somes they will aduenture toward℥ a Ioint stock for bringing in the aforesayd quantity of 40000 w^{tt}, he supposing that—8000^{li}—would manage [280] the busines. And in reguard for y^e better reputaçon of this busines, it would be necessary to haue y^e aid and assistance of the Companies, the Vndertakers out of their cleere gaynes should giue the Company a fourth part. W^{ch} Proposition was generally well approued of, if it could be effected, and thought fitt to be referred to a Comittee to consider thereof; as also to consider of all other wayes, how y^e farming of this 40000 w^{tt} might be soe vndertaken as y^e same might be beneficiall vnto y^e Companies. Wherevpon y^e Court nominated for y^e Comittee these following viz^{tt}

Ea: of Warwick.	Aldřan Iohnson.	m ^r Wilmer.
Lo: D'Lawarr.	m ^r Gibbs.	Cap: Butler.
S ^r Ed: Sandis.	m ^r Io: fferrar.	m ^r Bennett
S ^r Io: Dauers.	m ^r Nich: fferrar.	m ^r Moorer.
S ^r Nath: Rich.	m ^r Morrice Abbott.	m ^r Scott.
S ^r Sam: Argoll.	m ^r Caninge.	m ^r Edw: Iohnson.
S ^r Io: Bouchier.	m ^r Palavicine.	m ^r Edward℥.
S ^r Io: Wolstenholme.	Cap: Haruy.	m ^r Ditchfield.
		m ^r Woodall.

Vpon moçon order was giuen for Drawing Vp Two Comissions, the one at the request of m^r Bennett for his shipp called the Godsguift being to transport Passengers to Virginia, and the other Comission at y^e request of m^r Thomas Shiers & his Associat℥ for the William &

Thomas for transporting of Passengers to their owne Plantacon. W^{ch} Comissions were ordered to be drawne vp & sealed.

M^r Deputy propounded the passing of three shares from m^r Scott to m^r Thomas Culpepper of y^e Middle Temple London Esq^h, that if noe exceptiō be taken hereat, betweene this & y^e next Court he may be admitted.

Vpon the humble request of Iames Dauies, the Court hath ordered that vpon prooffe made, that he is y^e imediate heire to his ~~deces~~ deceased vnekle Walter Dauies, his petiōn shalbe recomended to the Gouvernour & Counsell of Virginia, that he may haue the possession of that estate, that is befallen him there by the death of his said vnekle, wth this Caution that if y^e Peticon^r hath any Brothers or Sisters Living, they shall haue their parte in y^e Good℄ according to lawe.

AT A COURT HOLDEN FOR Y^r SUMER ILANDS ON
WEDENSDAY IN Y^r AFTERNOONE THE LAST OF
APRILL 1623.

~~PRESENT.~~

[*Blank space.*]

The Virginia Court held this Afternoone being ended and the Lo: Cauendish takeing the Chaire his Lo^p propounded vnto y^e Sumer Iland℄ Company the busines referred vnto y^e Comittee appointed by [281] the Virginia Court, namely, for considering of a course how to rayse a Iointstock for bringing in of 40000 w^{tt} of Spanish Tobacco; wth course this Court well approued of & therevpon added to y^e former Comittee these following viz^{tt}

m^r Meuerell
m^r Wheatly
m^r Caswell

m^r Robert℄
and
m^r Geo: Smith.

M^r Bennett moued, that his Shipp y^e Gods Guift might haue Leaue in her way to Virginia, to touch at y^e Sum^{er} Iland^e. W^{ch} request y^e Court yeilded vnto.

Memorand that

After the rising of y^e Virginia Court this day being y^e Last of Aprill, Iames Daues brought these Two wittnesces to proue that he was y^e imediate heire to his deceased vnecke Walter daues that dyed in his passage to Virginia, viz^{tt} Rebecca Darris widdowe aged 66 dwelling in S^t Thomas Lane in Southwarke, and Alice Daues his Kinswoman aged 20 yeares servant to m^r Richardson in Duck Lane a minister; they (hauing taken oath before S^r Io: Dauers, S^r Edward Lawly & m^r Nich^o fferrar) testified, that the said Iames Daues was y^e next & imediat heire of the aforesayd Walter Daues deceased.

A COURT HELD FOR VIRGINIA AND Y^e SUMER
Iland^e ON WEDENSday IN Y^e AFTERNOONE
THE 7th OF MAY 1623.

PRESENT

right hono^{ble} Ea: of South^{ton}.
Ea: of Dorsett.
Lo: Cauendish.
Lo: Dãuers.
Lo: Pagett.

S^r Edw: Sackuill.
S^r Hum: May.
S^r Sam: Sandis.
S^r Edw: Sandis.
S^r Ro: Killegrue.
S^r Io: Dãuers.
S^r Edw: Horwood.

S^r Edw: Sandis Iuñ.
S^r Nich: Tufton.
S^r Io: Ogle.
S^r ffra: Leigh.
S^r Edw: Spencer.
S^r Tho: Wroth.
S^r Sam: Argoll.

Doctor Dun.	m ^r Moore.	m ^r Owen Arthur.
Aldran Iohnson.	m ^r Sheppard.	m ^r Ley.
m ^r Nich: Hide.	m ^r Sherroe.	m ^r Scott.
m ^r Gibbs.	m ^r Bickly.	m ^r Ed: Bennett.
m ^r Deputy.	m ^r Hobbs.	m ^r Budge.
m ^r Tomlins.	m ^r Boothby.	m ^r Mease.
m ^r Herbert.	Cap: Gifford.	m ^r Piers.
m ^r Binge.	m ^r Seaward.	m ^r Buckeridge.
m ^r Palavicine.	m ^r Couell.	m ^r Hurd.
m ^r Io: fferrar.	m ^r Moorer.	m ^r Tobias ffelgate.
m ^r Io: Smith.	m ^r Leauer.	m ^r Reinard.
m ^r Wolstenholme.	m ^r Woodall.	m ^r Newport.
m ^r White.	m ^r Mullins.	m ^r ffothergill.
m ^r Berblock.	m ^r ffreake.	m ^r Emerson.
m ^r Ro: Smith.	m ^r Barker.	m ^r ffr: Waterhouse.
m ^r Balmford.	m ^r Tatam.	m ^r Ley.
m ^r Copland.	m ^r Proctor.	m ^r Baynham.
m ^r Bromfield.	m ^r Widdowes.	m ^r Bull.
m ^r Withers.	m ^r Collett.	m ^r Wiseman.
m ^r Witherall.	m ^r Moorer.	m ^r Stone.
m ^r Bland.	m ^r Viner.	m ^r Shiers.
m ^r Downes.	m ^r Robert ^c .	m ^r Perry.
m ^r Caswell.	m ^r Iadwine.	m ^r Hackett.
m ^r Meuerell.	Cap: Haruy.	m ^r Webb.
m ^r Swinhoe.	m ^r Ewens.	m ^r Geo: Smith.
m ^r Kirby.	m ^r Sparrowe.	m ^r Baron.
m ^r Ditchfield.	m ^r Weake.	with diuers others
	m ^r Swayne.	to y ^e number of
	m ^r Palmer.	115. psons [282]

Vpon a mocon that s^r Morrice Barklyes sonne and heire might in his fathers right of Aduenture be made free and admitted into this Society. The Court by a generall ereccon of hande graunted him his freedome & admittance accordingly.

The Court held the Three and twentieth of Aprill being now read, was by a generall ereccon of hande (noe one dissenting) approued and confirmed.

The Court likewise of y^e ffine and twentieth of Aprill being read was by a generall erec^on of hand^l approued & confirmed.

The Court also of y^e Last of Aprill being read, was by a generall erec^on of hand^l approued & confirmed.

S^r Edward Sackuill said, that the Counsell hauing obserued a very full Court to be now assembled, a great many of whome had beene Long absent in the Country, & now desired to be informed of y^e passage of busines, did thinke fitt to §giue§ them an Account of the Companies proceedings since their departure, & had in perticuler desired him to acquaynt them, that the Contract concerninge Tobacco was by order of y^e LL^s of y^e Priuy Counsell dissolved; whose pleasure Likewise it was, that publiq^y notice should be giuen thereof.

The Lo: Cauendish acquaynted the Court, that after the dissolu^on of y^e Contract, when the Companies supposed all things quiett, there was by Alderman Iohnson & those others, that had opposed the Contract deliuered vnto his Ma^{tie} a very bitter & grievous peti^on against y^e Gouvernem^t & carriage of y^e Company these ffoure Last yeares. And at y^e same tyme Capt Butler likewise presented to his Ma^{tie} a Declaracon of the State of Virginia, w^{ch} he tearmed the Vnmaskinge of y^e Colony: w^{ch} Two things his Lo^p said, had beene y^e cause of much trouble & Labour in y^e Company. And therevpon his Lo^p briefly acquaynted the Court, what had passed herevpon both wth his Ma^{tie} & y^e LL^s of y^e Priuy Counsell, as also in y^e Court^e and Committees. Wherevpon y^e Court generally desired that all y^e writings and answeres might be read, to the intent that things might be fully & perfectly vnderstood & receaue either addi^on or amendm^t as cause should be. Wherevpon was read

1. The peti^on deliuered to his Ma^{tie} by Ald^ran Iohnson and his Associat^e.
2. Then y^e Informa^on deliuered to his Ma^{tie} by Capt Butler termed by him y^e Vnmaskinge of y^e Colonie in Virginia.
3. Then the Companies peti^on to his Ma^{tie} touching y^e issue of Ald^ran Iohnsons peti^on for a Comission of enquiry & examina^on.

4. Then the Companies Declaracon of y^e present State of Virginia deliuered to his Ma^{tie}. [283]
5. Then the Relation of y^e Companies proceedings in their Courte deliuered likewise to his Ma^{tie}.
6. Then y^e Companies Answere to Aldřan Johnsons peticon, being as followeth viz^{tt}

An answer to a Petition deliuered to his Ma^{tie} by Alderman Johnson in the names of sundry Aduenturers and Planters of Virginia and Sumner Ilands Plantacons.¹

The ground worke of y^e Peticon is founded vpon a Threefould information. The first that in the former Gouvern^t of the Companies (viz^t) vnder S^r Thomas Smith as Gouvernor, and m^r Canning and himselfe as Deputies for soe hee intendeth the Gouvern^t was discret & milde, wherby all sortes of men were envyted to engage themselvs in that great and difficult Action w^{ch} therby pceeded in a most hopefull and comfortable course wth vnitie and love Contrarywise they know not how itt is of late years com to pass y^t vnitie and peace here att home is turned to Civill discord and Disçention and diuers of the Antient Adventurers and Planters conceive themselvs many waies iniured abused and oppressed.

Whervnto is answered that this Informacon is śin both pts^s most vnttrue, for although his Ma^{tie} by his gracious letters Patents hath given authorytie to the said Comp^t: to make Lawes and orders aswell for the well gouern^t of the Companies here att home as also ~~for~~ śof^s the Colonies abroad, wth direccō therin ~~the~~ śto^s followe the forme of Gouverment Lawes and pollycie of this Realme of England as neer as may be; Yett all those Twelve years therwas no care taken for the bringinge of the same to the intended & desyred effect: ifor first of all his Ma^{tie}: pticularr Instrucōs for Gouvern^t: were cleane suppress and extinguished, and the Originall nowe not extant noe orders were made for the Gouverment of the Company here vnless now and then one, vppon present Occasion. And as for y^e Gouverment abroad in the Plantacons itt was for the most pt left to the Gouverno^r absolute pleasure and power onely instead of a bodie of moderate Lawes agreeable to the Gouverment in this Realme: there was printed here & wth great hono^r Dedicated to S^r Thomas Smith & afterward^t sent by him to Virginia wthout the Companies Consent a Booke of most Tyrannycall Lawes written in blood w^{ch} although they might serve for Ma^rshall Gouvern^t in time of Warr beinge translated as they were most of them from the śmartiall^s Lawes of y^e vnited Provinces: Yett was the same farr from y^e

¹ This answer to the petition, barring the caption, is in the autograph of Thomas Collett (17.).

Milde Gouverment Comended here by the Petiçoners and both att home deterred all men from goinge in pson to live there vnder such Truculent Lawes and in Virginia were the cause of the vniust and vnderdeserved death of sundry of his Ma^{ty}: subiects, And moreouer putt such a weapon into the hand of the then Gouverno^r a kinsman of S^r Thomas Smith as wherby hee in a manner spoyled and destroyed the wholl Plantaçon as is extant yett to be seen by the f^{res} of S^r Thomas Smith himselfe & y^e said Alderman Iohnson.

The effect was y^t in that Plantaçon after the expenc of 80000 pounds of y^e publique Stocke and vpward, The Colony was then wasted to a few hundred of psonns no provisions beinge made by wives for posteritie and those also w^{ch} remayned had no intent to pceed in the Plantaçon beinge destitute of ffoode both spirituall and temporall, cryinge outt vppon the Company for iniustice and crueltie and sometimes vppon dispayre beinge all shipped [284] to returne att other times vppon revenge adoptinge to themselvs newe Patrons against their ill Gouverment. And here att home the Adventurers who att the first as to a new matter came plentifully shⁱⁿg In fine vtterly abandoninge the Courts and Acçon refusinge to make payments of their monneys subscribed and beinge sued for the same pleaded in Chancery vppon their Oathes that the monneys wer not converted to the vse intended butt to particuler mens gaines and that ther were no Accompts kept in order, and to be seen a thinge contrary to y^e express charge in his Ma^{ty}s said Instruçons, And this is the true estate of the saide milde and Discreet Gouverment.

On the Contrary side what hath been done in poynt of Gouverm^t for these 4 last years may be apparent to all men: Books of Orde^{rs} for the good Gouverment of the Companies heer drawne principally out of the wisdome of his Ma^{ty}s originall graunts have been compiled and published; The like done in greatest pt for the Gouverm^t of the Plantacons for the Dividinge of the Lands and for the setlinge of Adventurers and Planters in their quyett possessions; Skore of Preachers have been sent wth Competent provisions All w^{ch} brought soe great Content vnto the Plantacons abroad that y^e Colony in Virginia hath by publique Act in their gen^{all} Assemblie yeilded thanks to the Company here for y^t their Loue, Iustice, and Care,

As for the Discord and dissençon menconed in the said Petiçon true itt is y^t in the Compass of these 4 last years their have been Two great Rents made by way of opposite ffacçon, the one by Alderman Iohnson being called on for his Accompts for w^{ch} in regard of his place hee was very moderately censured. And the other by m^r Wrote vppō other pryvate discontent for w^{ch} hee hath been lately suspended from the Courts. Ther hath been allso hertofore a faction raysed in the Counsell for support of a Gouverno^r of Virginia who had

ransaked the Plantacon. Other discord or disention of note ther hath not been any, and all these rayased by the pt now oppugninge the Companies: The greatest number of whome are seldome seen in y^e Court℄, butt vpon occasion of a Storme & to nourish Discord and ffaction.

As for the Allegacon that diuers of the Antient Adventurers and Planters conceive them selvs to have been iniured abused & oppressed itt cannott be shewne that the Iustice w^{ch} was in the power of the Court℄ to give, hath been denyed to any man much less by pryvate dyreccons and vnderhand fies have the goods of some particuler psonns in y^e Plantacons been taken vyolently from them contrary to course of Lawe & consigned into the possession of their Potent adversaries. As hath lately happened in the case of Cap^t Miles Kendall who was spoyled by Cap^t Butler of 14 Negroes graunted to him by a Captaine of Holland havinge Comission from the Prince of Orange vnder a bare and false pretence y^t they belonged to a Ship called the Treasuror sett out from Virginia by S^r Samuell Argall then Gouvernor to prey on the West Indies as shall be elswere showne.

The second Information by the Petitioners is, That vnder y^e form⁹ Gou⁹m^t ther was a quyett entertaynment of the Savadge Indians by w^{ch} sundry of those Infidles and some of emynent note wer couerted to Christian Religion wheras of late there hath been a Massacre and Hostililtye between the Natives and our Colony of Virginia. [285]

Herevnto wee ansvere y^t itt is true that Matoar the daughter of Pohatan being taken Prisoner by Cap^t Argall and affectinge marriage wth one m^r Rolf became a Christian and soe dyed att Grauesend. Other matter of note for conversion [of] those Infidells did not happen in those first 12 years duringe w^{ch} time the English were allmost allso in scontinual^s Hostilitie wth y^e Infidells, And in the last of those 12 years the Chichohonini by sudden assault murdered Tenn of our People w^{ch} Cap^t Argall att his cominge away lefte vnreunged On the other side what and how chargable preparacons have been made in these laste 4 years for the educatinge of the Infidells Children in Christian Religion and Civility The Plantacon for the Colledge may sufficiently declare, ffor Which notwthstandinge the late Massacre w^{ch} fell vppon them ther are yett remayninge 60 Tenants or therabouts, and the worke by the Assistance of god shall againe sin due times pceed As for the Hostilitie wth the Infidells duringe 3: of these last 4 years ther hath not been any wherof yett wee boast not consideringe that itt lulled the English asleepe in too great securitie and consequently gaue optunitie to y^e late bloody Massacre w^{ch} if itt had not happened these opposers must have been mute haveinge nothinge else wherwth to disgrace the Plantacon.

The Third Informaçon is y^t in the Compass of those first 12 years Staple Commodities began to be rayseed and imported into this Kingdome, as Iron, Sturgeon, Caveare, Sope and Pottashes, Masts for Ships, Clapboud, Pipestaues, Waynscott, Wyne Pitch and Tarr and that most desyred worke of Silkwormes, wheras in the latter years the foresaid Comodities doe not appeare.

The answer is that this Informaçon or obieccion doth strongly reflect vppon the obiector himselfe for if itt be true w^{ch} wee deny not save onely for Iron y^t some samples of these Comodities by the Industry of S^r Tho: Dale were sent home in y^e 9th and tenth year of those 12 first years; how happened itt that in the last two years vnder¹ y^e Gouverment of Capt Argall there appeared none, The reason is apparant for the magazine beinge then on foote wherof the said Alderman Iohnson was Director, itt pleased him to sett noe price vppon any other Comoditie, saue Tobacco and Sassafra, beinge Comodities of his owne Trade, and for y^e greatest pt wherof hee became the Companies Chapman, wherby all the endeavours for those other Comodities were abandoned and the Colony possessed of y^t Dotinge affection to Tobacco, w^{ch} ye Compa: in these latter years notwthstandinge their sundry Charters, Instruccõs and generall fres for restrayninge therof could never since extinguish; On the Contrary pt in these last 4 years what hath been pformed from time to time by the excessive charge and care of the Company, In settinge vpp of ~~the~~ Iron works; Vine yeards Silke and other Comodities shalbe elsewhere att large declared, and would by this time have manyfestly appeared, to the world had not the late Generall Massacre given them a sore interrupcion w^{ch} notwthstandinge by the Divine Assistance shalbe shortly renewed.

Now forasmuch as Alderman Iohnson pretendeth y^e said Informaçon & y^e Petition ensuinge itt to ayme att noe other end butt y^t after the worke of some necessary reformaçon the worke allso of the Plantaçon may be renewed pceed and prosp; Wee are forced herin to detect his vncler pceedings for itt wilbe iustified against him by vndenyable prooffe, that hee ||hath|| laboured of late by strange and most vntrue allegaçons to discourrage some psonns of very good quallitie from fauoringe of this worke or pceedinge in itt, hee hath found fault wth such as hath comended the Country soe much extolled by himselfe formerly in sundry his printed treatises pfessinge that ye world had been deluded by Virginia; Hee hath said that ther are two many of our nation there alredy, that the Staple Comodities spoken of will com to nothinge; That the Iron was a base Comodity and would not pay ||for|| ye freight That the grapes were sower and the Clymate not prop for wine; That y^e Mulberie-Trees in Virginia have a prickle in their leaves w^{ch} destroyed the Silkworms when

¹The first evidence of erasure in the MS. is found in this place, with the words "vnder y^e Gouver."

itt grew to biggnes: And as for convertinge of the Infidells itt was an attempt impossible they being descended of y^e cursed race of Cham: Now whether a pson of this disposicon be a fitt Instrument for y^e workinge out of y^e good of y^e Plantacons, wee leaue itt to all cleer & vnpartiall mindes to iudge.

Touchinge y^e Petition itt selfe for examinacon & reformacon of all abuses y^e Companies doe therein willingly concurr wth y^e Petioconers saue y^t they cannot but dislike y^e petitioners too great ptiallytie who desire onely y^t y^e Acompts since S^r Tho: Smiths time may be examyned w^{ch} have been allwaies kept fairly accordinge to y^e orders of Court^e (exceptinge by one onely of y^e Petioconers society) And for y^e Accompt^s of y^e former years pass them ouer in sylence w^{ch} are 3 times as greate and thrise 3 times more questionable: Butt y^e Iustice of y^e Hono^r^{re}: Bourd hath reformed their partiallytie. [286]

7. Then y^e answere of diuers Planters M^{rs} of Ships & Marriners to Capt Butlers Informacon to y^e King.
8. Then the attestacon of Seuerne and Lowe how they were drawne by Capt Butler to subscribe to his Informacon.
9. Then the Companies answere to Capt Butlers dismasking of Virginia being as followeth viz^{tt}:

A true answere to a writinge of Informacon presented to his Ma^{tie} by Cap: Nath: Butler intituled

The vnmasked face of our Colonie in Virginia as it was in y^e winter of y^e yeare 1622.¹

This Informacon conteyning matter of most important quallity, touching that Plantacon, and such as if the same should be found to be true not onely all former expence were vtterly lost, butt itt were in vayne or (to speake more pperly) a shame and sinne to pceed in sendinge any further Supplies of people to parts soe generally contagious as to be compared to the most vnsound and most vnhealthy parts of this Realme and wher the mayne River is so shallowe, that the people beinge enforced to a continuall wadinge and wettinge of themselves about the Landinge of their goods, gett such vyolent surfeits cold vppon Cold as selldome leave them till they leave to live. W^{ch} are the very words of y^e informacon And this Informacon haveinge been spread by the said Capt Butler and his friends not onely ouer all pts of y^e Citty butt also into diuers pts of y^e Country adioyninge to ye vtter disgrace of ye Plantacon and discouragment of all new Adventurers and Plante^{rs} wherof many of good quallitye

¹ This answer, barring the heading, is in the autograph of Thomas Collett (?). A part of this document is in the British Museum, Sloane, 1039, f. 92. List or Records, No. 491, Vol. I, page 173, *ante*.

were now in p̄paringe. The Company have thought itt their duty in the first place and wth their greatest care to consider¹ exactly of the quallitie of the² ||said|| Information in poynt of trueth or otherwise.

To w^{ch} end haveinge assembled divers psonns of good Creditt lately com from Virginia wherof one a Mynister who hath lived there Tenn years others of good quallitie y^t have lived there some of them 14 years and other some 6 years and others more or lesse, and the rest beinge Maisters of Ships and Marriners wth others wherof sundry of them hath been there often times and are throughly acquainted wth the River and all parts of y^e Colony and the said Comp^a earnestly desyringe them to sett downe the trueth of their knowledge in writinge, and in such sorte as they will allwaies be redy to iustifie the same vppon their Oathes the said psons beinge to³ ||the|| Nomber ||of|| 16, have done accordingly and sett downe their answers to the Seaven firste Articles of the said information as appeareth by the writinge here vnto annexed subscribed wth their hands by w^{ch} writinge and answers itt doth plainly appeare that the said Informaçon is in all the materiall parts therof most vntrue and may seeme to have been purposely framed by the said Cap^t: Butler to raise distemper and trouble in the Companies for y^e Plantacons y^t therby bringinge althings here to confusion himselfe might as in the darke escape those deserved censures and punishm^{ts}: w^{ch} for his evill Gouverment in the So: Ilands & many intollerable oppressions, and principally for his wthdrawinge of himselfe by his suddaine and disorderly flight from the examynaçon of that important buisnes of the Spanish wrack, by a Comission sent thither for that purpose hee hadd cause to feare, w^{ch} Comission beinge sent thither not onely vppon promise to the Spanish Ambassado^r and for his iust sattisfacēon butt allso by especiall order of the LL^{ts}: of his Ma^{ty}: most hono^{re}: Pryvy Counsell by the Acte and practise of the said Cap^t Butler and other his frends here who gaue him warninge therof, remaines in greatest pt defeated and deluded. [287]

And touchinge y^e last 3 Articles of §y^e said§ Cap^t Butlers informaçon wher vnto the said 16 psonns say they cann make no Answer the same beinge either aboue or wthout the Compass of their knowledge, the Company for the present Returne this Answer in breife.

To y^e first of them beinge the 8th Article and conteyninge onely a discripçon of Devastaçon of Two Plantacons called Henrico & Charles Citty by the late Massacre by the Infidles, w^{ch} might easily indeed haue been preserved if the said Massacre had been foreseen or feared; The Company can say no more butt

¹ Written over the word "censure" by Collingwood.

² Written over the word "this" by Collingwood.

³ The word "to" written over "in" by Collingwood.

y^t itt was the ynavoydable Calanytie of such a Treacherous Warr but y^e Plantacons as they hope are againe restored accordinge to express order given from hence to the Colony.

To y^e 9th Article conteyninge a Complainte of the new Govern^t now in Virginia they haue noe cause to give any Credit to the said Information: The same in appearance beinge grounded vppon the said Captaines Discontent, and for y^t hee was not accepted there to sitt in Counsell wth them where to hee could plead neither right nor deserte.

To y^e last Article beinge a conclusion of all his former misinformationns wth addicon allso of some new vnruths they say that ther were never sent aboue 6000: to Virginia w^{ch} is short 4000 of his informacon And y^t in the first 12 year^e by the best Computacon that can now be made ther haveinge been no Accompt then kept ||either|| of their names or numbers ther were not sent aboue 2500: att the vtmoste wherof there dyed 500 att Sea.

They say allso that notwithstandinge the late Massacres and the great mortality w^{ch} hath since ensued occasioned by the effects of the said Massacre there are yett remayninge alive of ||in|| that Colony ||of||¹ Virginia to the number of about 2500 psonns wherof good prooffe is to be made and y^t y^e forsaken Plantacons are againe in restoringe and the Staple Comodities setting vpp againe accordinge to the orders from hence, Butt touchinge his last clause of the Confusions and pryvate ends of some of the Company here, and the bad executions in secondinge them by their Agents there they desire that hee may be Comaunded to discover the same in pticuler befor y^e Comissioners appoynted: And in the meane time they ptest against itt as Calumnious and slanderous and of the selfe same truth wth the rest of his Informations.

After w^{ch} m^r Berblock desired, that a short passage of S^r Tho Dales ire to S^r Tho: Smith might be read w^{ch} he had found pvsing the Bookes by order of y^e Court; Wherevpon it was read, beinge as followeth (vizⁿ)

Lett me tell yoⁿ all at home this one thinge, and I pray remember it, (if you giue over this Country and loose it, yoⁿ with your wisdomes will leape such a gugion as our state hath not done the like, since they lost y^e Kingdome of ffrancee: be not gulled with the clamorous reports of base people: beleieve Caleb and Iosuah, if the glory of god

Dated June 1613.

¹ Written over the word "in."

hath noe power with them and the conuersion of these poore Infidells: yet lett y^e rich Mammons desires egge them on to inhabite these Countries. I protest vnto you by y^e faith of an honest man, the more I range the Country, the more I admire it, [288] I haue seene the best Countries in Europe, I protest vnto you before the Liuinge God, put them altogether, this Country wilbe equivalent vnto them, if it be inhabited with good people.

W^{ch} report m^r Iohn Smith affirmed to agree wth what he had heard from his owne mouth deliuered to diuers worthy persons here in England, protesting from his heart vnfaignedly, that in his iudgm^t out of ffoure of the best Kingdomes in Europe, there could not be picked out soe much good ground as was in Virginia. W^{ch} speech in effect m^r Copland also affirmed S^r Tho: Dale to haue spoken to him at Iapan in y^e West Indies.

There was also read part of a Lre of S^r Samuell Argolls vnto y^e Company in Iuly 1617. comendinge very much the healthines of Iames Towne, & that it was y^e fittest and convenientest place for vnladinge, being in y^e middest of y^e Plantacons, and there being a Bridge to Land good℄ at all tymes.

The Lo: Cauendish further acquaynted the Companies, that the Counsell for Virginia and Principall Assistant℄ of y^e Sum^r Ilandes had vpon Large and serious consideraçon of these p^{re}s^{en}t distracçons in y^e Company drawne by a certen Declaration, conteyning in their iudgm^t One mayne roote of these troubles, w^{ch} they thought fitt to present to y^e Court, w^{ch} was ordered to be read being as followeth, viz^{tt}

May 7th 1623.

A Declaraçon made by the Counsell for Virginia and Principall Assistants for y^e Sumer Ilandes of their Iudgments touchinge ~~our~~ one|| originall great cause of the dissentions in y^e Companies and present opposiçons.

His Ma^{ties} Counsell for Virginia being assembled according to y^e¹ Order of the Courte of the 23th of Aprill and takinge into consideraçon the present Differences and distracçons in the Company and accordinge to their duty entringe

¹The rest of this declaration is in the autograph of Thomas Collett (?).

into a serious consultacon howe to extinguish or Compose the same, that the worke of the Plantacon may as hertofore proceed and prosper. They have found in their vnderstandinge that one cheife roote of all these Diuisionns and of Sundry other Machinacons to the great Detriment of the Plantacons and bendinge wthall to a course for dissolucon of the Companies, have pceeded from some Instruecons||ments|| about the Right Honor^{ty}: the Earle of Warwick who by misinformacons and false p^ltences as they conceive abusing the facilitie and forwardnes of his disposicon for the atchiuinge of their owne [289] exorbitant purposes, haue enforced them after longe patience now to discouer the same, while remedie is to be had; least in time the disease growe remediles.

Itt is therefore first of all to be laide a true grounde that these Instrum^{ts} about his Lo^p: not content with that Lawfull and orderly benyfitt w^{ch} the Aduenturers for the saide Plantacons might in a due course and fitt time expect, butt effectinge a suddaine and extraordinarie wealth by spoylynge of the publique State of y^e Colonies and oppressinge allso of the multitude of perticularr Planters in them, and beinge not able to run on in a swifte and vninterrupted current, wthout gayninge allso the Gouverment of y^e Companies here att home into their owne or their assured friends hands & possession wherby to be also enabled to place Gouverno^{rs} from time to time in the Colonyes abroad, men of their owne creation and assured to their deuotion, have lefte noe means nor practise vnattempted duringe the space of diuers years past for the bringinge to effect both of the one and the other.

ffirst therefore in the begining of y^e year 1617 s^as course was taken y^t Cap^t Argall now S^r Samuell Argall an assured follower and fauorite of his Lo^p: should be sent wth the power both of Gouverno^r and Admirall into Virginia Armed allso wth the strength and exercise of Marshall Lawe even in the time of peace, that no man ther might dare to open his mouth in any complainte against him, wherof hee sett vpp a memorable warninge by example in the case of Captaine Bruster; Whome for opposinge against his course of destroyinge that great Plantacon begunn by the late Lo: D[~]: Laware and of drawinge the whole benifitt therof to his owne pryvate advantage hee procured to be condempned moste vniustly by a Marshalls Courte to deathe. and deliuered him not from the same butt vppon taking an vniust oath p^lscribed to him to this effect.

That hee should not speak ill of Cap^t Argalls Gouverm^{ty}: nor ever againe returne into the Teritories of Virginia and to p^lect Cap^t Argall from beinge called to an after Account for his Gouverment, vnder shew of a new Plantacon to be sett vpp in Virginia by the saide Cap^t: Argall and his Partners, wherof y^e saide

Earle [290] hath since appeared to be one (w^{ch} yet to this day hath hadd no begininge) ther was procured a Patent to y^e said Captaine and his Associates for the said New Plantacon Wherby hee and his Company their heirs and Assignes (saue onely in time of necessary defence by Warr) were exempted from all power authoritie & iurisdiction to be from hence derived or there established, that soe hee might raigne there as a great and absolute Maister wthout Lawe or controlement, and wthout the fear of euer beinge called to any future reckoninge.

Thus furnished wth exorbitant power and exempcon how hee carryed himselfe ther in his two yeares Gouverment hath been elsewhere att large Declared The sume is that besides a multitude of particularr wrongs and oppressions; what-soeuer was remayninge att that time in the Colony belonginge to y^e publique and beinge the ffruite of ffloureskore Thousande pounds charge hee converted itt in a manner wholly to his owne pryvate vse and possession; the verie publique Lands Cultivated, the Companies Tenants and Servants, their Corne, Rents and Tributes of Corne their Kine and other Cattle, their Stores and Provisions Wherby the Company beinge disabled in all appearance ever to sett upp the same againe or to bear the great burden of publique charge both att home and abrode (beinge thus stripped of all reuennue) the said Comp^a: must have fayled and decayed, and the wholl Colony in time have fallen into the hands of the saide Captaine and his Association to be there established w^{ch} seemeth to have been his prime and originall desire. Neither could this Depradacon of that Colony content but a Ship called the Treasurer sett forth by the said Earle and sent to Virginia and an olde Comission of hostility from the Duke of Sauoy against the Spanyards pcured by some means and putt into the hands of the saide Captaine, The said Treasurer beinge manned wth the ablest men of the Colony & new victualled from thence, was sett outt on Rovinge on y^e Spanish Dominions in the West Indies, wher after sundry Actes of Hostilitie comitted and some purchase gotten shee Returnes to Virginia att the end of tenn monneths or therabouts. Butt findinge Cap^t Argall the setter of [291] her out, Depted from thence, shee wthdrew herselfe instantlie from the new Gouverno^rs power and went to y^e Sommer Ilands then discharginge her booty, In w^{ch} were a certaine number of Negroes; All w^{ch} even those that belonged as Shares to y^e Marryners (wherof they haue not long since complayned in Court) were taken and placed on the said Earles Lands, as belonginge to his Lo^p and soe continue.

This course of Cap^t Argalls sendinge home a strange murmur of Complaints against him in the Summer 1618: S^r Thomas Smith beinge then Treasurer and Alderman Iohnson Dep^{ty} the Comp^a: were soe enflamed wth these outrages that

they could hardly be conteyned from runinge to his Ma^{tie}: then beinge in progress to craue his supreame hand for redresse of soe great a mischeife Butt S^r Thomas Smith att that time whether in favour of the said Cap^t Argall his frend and kinsman or outt of his better iudgm^t alledginge y^t the imploringe of his Ma^{ty}: aide might proue a Derogaçon to the Companies power and liberties made stay of that course, and dyrected the Company into another & milder way W^{ch} after the misprosperinge of ~~some~~ some other pvision for reformation, by the vnfortunate decease of the Lord Lawarr cheife Gouvernor issued finally into a resolution of sendinge a new Gouvernor, to examine those Clamo^{rs} and Complaints against Captaine Argall; Whervppon at the Michaelmas ensuinge Cap^t Yeardley afterward S^r George Yeardley was first nominated Gouvernor and afterwards solely chosen att the next Quarter Courte.

Before w^{ch} time in the said Summer 1618 vppon the Clamo^{rs} aforesaid S^r Thomas Smith and Alderman Iohnson wth Divers others of the Counsell addressed their L^{res} to y^e saide Lord Lawarr lately gone for Virginia requyringe him to send home the saide Captaine Argall in quallety of a Mallefactor and to sequester all his goods there for restituçon to y^e Company; ther was afterwards an order resolved in Court that what goods of Cap^t Argalls should be returned for England should be likewise seized on for the Companies vse. W^{ch} order att the saide Earles request was so farr forth dispensed wth as that his Lordshipp notwthstandinge might take out his owne pt (intendinge so much as should belonge vnto him by his right of ptnership) vppon pmise to deliuer the rest into the Companies hands so farr forth as should be in his Lo^{ps}: power to pforme itt. The pformance of w^{ch} pmisses is yett still expected the said Captaine haueinge returned all his goods from Virginia vnder other mens names, and consigned them [292] into other and greater mens hands, wherby the Company remayneth still defrauded of the due restituçon w^{ch} they had so great cause to expect from Captaine Argall.

Butt to come to some other partes of Captaine Argalls Gou⁹ment this Course of Depradaçon and Rovinge not sufficeinge as likely to receave encounter and Check from hence; New Engines were vsed, some to disharten and some to disgrace y^e Company that soe as itt seemeth they might in time abandon the Plantacon and leave itt as a prey to the saide Captaine his frends and followers: first therfore from the Plantacon L^{res} were sent by Captaine Argall & directed to the Company by w^{ch} hee soe disprayed the Country as to appear less fertile then the most barren arable Land to be found ordinarylie in this Realme. An assured way of discouragm^t to all Adventurers and Planters from further pceedinge Butt this Engine was broken by a Comission sent into Virginia from whenc was returned by examinaçon vppon oath that the soyle was most fertile & that slander therof moste vntrue.

Then next on the other side to Correspond from hence y^e Company and their Accons, and pticularly the Gouverno^r, Alderman Iohnson by name were disgraced by letters sent into Virginia not vnknowne (as is stronglie to be p^rsumed) to y^e saide Earle In w^{ch} was suggested that the Marchants as they termed them who then swayed the Courts affected nothinge but their owne immoderate gaine though wth the poore Planters extreame oppression as appeared by their Magazine: By w^{ch} and other insinuacons that the said Earle would goe and Complaine to the Kinge in their behalfe; They were drawne on by Instruments vsed fittly for that purpose to exclaime wth great bitternes against the Company and in a manner to cast of their Gouverment adoptinge vnto themselves other Patrones against them accordinge to their seuerall Plantacons the Principall wherof were Partners to the said Cap^t Argall amongst w^{ch} y^e said Earle of Warwick was in degree farr y^e cheife.

All this notwthstandinge the Company proceeded on in their course against Cap^t Argall and by advise of the Counsell and a choyse Committee prepared divers Comissions to be sent wth S^r George Yeardley for the proceedinge against the Captaine in Virginia. Against w^{ch} the said Earle wth other of his frends and followers haveinge made great opposiicon butt not p^rvaylinge a Course was taken in fine to dispatch a Pinnace from Plymouth to fetch away Captaine Argall wth his goods & booty before the Arryvall of S^r Georg Yeardley & his Comissions. The said S^r George Yeardley by the pswasions (as is vehemently to be p^rsumed of m^r Pory whom the said Earle had lately comended vnto S^r Thomas Smith then Treasurer for the Secretaries place of Virginia) spendinge much time vnnescesarily vppon our English Coaste. [293]

Butt the saide Earle still ill¹ satisfied with the pceedings against Cap^t: Argall in the Easter Tearme ensuinge 1619 pursued wth great earnestnes the displainge of S^r Tho: Smith and Alderman Iohnson from the Gouverment of y^e Company w^{ch} succeeded accordinglie.

But to stop the course of the saide Comissions in Virginia for examinacon of the Accons and Gouverment of Cap^t Argall whose psonn was now escaped from thence new wayes had been & were still devised: ffirst m^r Pory sworne Secretarie of Estate there and who wrote the examinacons taken by vertue of the said Comissions, sent Coppies of those examinacons vnderhand to the said Earle. W^{ch} beinge Discouered & hee stopped in y^e Course; a new way was taken soe to daunte S^r George Yeardley as might cleane discourage him from pceedinge in the said Comissionns. ffor the said Earle haveinge published great displeasure against y^e said S^r Georg Yeardley for interceptinge the Pacquett wherin y^e Coppies of the aforesaid Examinacons were sent vnto him and threatninge a Sharpe revenge itt was soone after rumored by some of the

¹ Written over the word "is" by Collingwood.

Earles followers and spred ou⁹ Virginia and even to Opochancano himselfe that the Earle would com shortly ouer in psonn to be their Gouverno^r, And that Cap^t Argall would bee his Pylott, and then hee would call S^r George Yeardley into like question & examination for his owne Gouverment: W^{ch} Rumor confirmed allso by letters from hence is thought to have been a principall cause of that extreame discouragm^t and Deiec^{tion} of S^r George Yeardley, w^{ch} endinge in a long sicknes caused a generall neglect in followinge the publike businies, w^{ch} otherwise might have pceeded to the effect here intended.

Now att the Arrivall here of Captaine Argall in y^e form⁹ parte of the yeare 1619: when S^r Edwin Sandys was Treasurer The Counsell after some time pceeded to y^e examina^{tion} of the said Captaine havinge wthdrawne himselfe from due tryall in the parts wher y^e ffacts were Comitted and where the true proofs on both sides were to be readilie had.

Here howe hee was patronized by y^e saide Earle and by S^r Nathaniell Rich to y^e hindrance of y^e Course of Iustice and of due restitu^{tion}; how the Treasurer was wronged in pforminge his office and oath and sought to be [294] deterred even by threats of bloud from acquaintinge y^e LL^s of his Ma^{ty}: most hono^{rs} Pryvy Counsell wth the Colonyes complainte of that Rovinge Ship the Treasurer, shalbe here passed ouer and referred to any other place. Butt by these meanes the matter was drawne to soe extreame length and the Counsell and Company soe extreamly weryed that in fine Cap^t Argall goinge the Voyage to Argier all further psecu^{tion} hath been since suspended and the Comp^a: defrauded of y^e great restitu^{tion} w^{ch} after soe great wronge they had great reason to expect.

ffrom w^{ch} time the saide Earle and S^r Nathaniell Rich wth others his Lo^{ps}: followers have generally absented them selves from the Courts of the Company and other meetings in Counsell, And the said Earle and S^r Nathaniell Rich together wth S^r Thomas Smith haue allsoe sould awaie their Adventures in the pticuler Planta^{tion} wherof they were. In the meane time the Company hath continued in a Constant Tenor of great peace and tranquillitie pursuing y^e buisines of the Planta^{tion} wth great zeale and industry and that wthout interrup^{tion} by any shaddowe of ffac^{tion} till this last great rent wherof shalbe spoken in a more proper place.

ffor now to take a veiwe allso of the like pceedings for the Summer Ilands The Company therof beinge vnwillinge from the begininge that the saide Earle or any other great psonn should grow too greate in the saide Ilands; — (haveinge great cause to feare the same) had obteyned y^t in his Ma^{ty}es Ires Patents, itt should be lyimited that no one Adventurer might be owner ¶ of¹ ¶ aboue fifteen

¹ The word "of" written over "in" by Collingwood, the reviewer.

shares in the said Ilands amountinge vnto about the Twentieth pt of the Land there. And that no matter of importance touchinge the state of the said Ilands should be ordered butt in one of their great Quarter Courts to be held in the flower Tearmes when in likely hood the most principall and greatest number of the Adventurers would be present: These clauses of restraunte beinge no way pleasinge as itt seemeth to his Lo^p: as beinge opposite to the mayne ends piected by his ffolowers a course was taken in the time of S^r Thomas Smiths Gouverment to finde fault wth the Tres Patents vppon p^tence of other defect^e and an order of Courte gotten for drawinge of a new Patent to be peured from his Ma^{ty}: vppon surrender of the former, and the care of drawinge itt was comended to one m^r Phesant a Councillor att Law belonginge to his Lo^p: and vppō whome hee had bestowed either really or titularly one [295] of his Shares in the Somer Ilands. This new Patent beinge drawne and a time appoynted for readinge itt to the Company, vppon notice of some suspiciō that ther was no good meaninge in itt ther happened to be some present who seemed were not looked for as haveinge of a longe time forborne those Courts. The conclusion was that in this new intended Patent, the Institucon of Qu: Courtes and lymytacon of number of shares were cleane omitted w^{ch} beinge discovered the new draught was reiected and the Company well armed against the like attempt in future times.

There remayned as itt seemeth for supply to their desires that his Lo^p should yett be soe strengthned in y^e Courtes att home and soe powerfull by his Agents in those Ilands abroad that all things might be disposed of by their absolute pleasure. ffor the Courts att home besides other his ffolowers w^{ch} did the like; His Lo^p: was allsoe induced to putt of divers of his ffifteene Shares to Sundry new personns amongst w^{ch} were Cap^t Argall and a Brother of Cap^t: Butlers. By w^{ch} means in that small Courte they have ingreatned their power.

And as for the Colony itt selfe hee peured his ffolower and ffauourite Cap^t Butler to be chosen Gouvernor duringe these last three years who strengthning himselfe by the Associacon of a Turbulent and ill affected psonn, one m^r Lewis Hughes a Mynister (who had preached in the Sum^r Ilands that the Gouverment of y^e Church of England by Bishops was Antichristian and that the Booke of Common praye^rs was butt an Old wiues tale, fitt to be read by y^e fireside as was iustified to his face): What course they tooke to alienate the Inhabitants hearts from the Comp^a: & from the Gouverm^t therof established here by his Ma^{ty}: & what oppressions were exercised ouer p^ticular psons appeareth as in pt by other good proofes, soe partly by y^e multitude of particular complaintes against ||the s^d|| Cap^t Butler wherof ther shalbe consideracon ~~taken~~ had elsewhere in his due place one onely example shalbe here pduced.

In the latter time that Cap^t Kendall was Deputy Gouverno^r there arryved att the Summer Ilands (vizt. in y^e year 1619) A man of warr wth a Comission from y^e Prince of Orange by vertue wherof hee had taken certaine Negros in the West Indies: And beinge in great extremity for want of water and Victuall and forbid by Cap^t Kendall to com into any of the said Harbors, hee gave him notice [296] that hee had ffourteen Negroes abourd w^{ch} if hee should be forced to cast ouer bord for want of Victuall and wather desired to bestow them vppon Cap^t Kendall for any small consideraçon w^{ch} hee should be pleased to give him: w^{ch} was pformed accordingle: Captaine Kendall who had spent a long time in the Summer Ilands beinge one of y^e first Inhabitants and who for his valour and other good carriadge had been in time of Vacancy twice chosen Gouverno^r, Now vppon y^e Arrivall of Cap^t Butler was forcibly by him depryved of all his said Negros vppon p^tence that they belonged vnto the Earle of Warwicks Shipp called the Treasuror wth w^{ch} the said Holland man of Warre had consorted, This outrage of ||by|| Captaine Butler Vppon y^e Goods of his p^rdecessor so contrary to all Lawe and forme of Iustice and without any order for ought euer appeared, enforced Cap^t Kendall to returne into England and to exhibite his Complainte to the Company against Captaine Butler, wher itt pleased the said Earle to make claime in open Courte, that the said Negros were his, as belonginge vnto his Ship the Treasuror aforesaid, And to crosse Cap^t: Kendall in his iust Demaund certaine Articles of Complainte were exhibited against him wthout author to advow them, and wthout wittness to proue them w^{ch} beinge referred vnto examynaçon in the Sum^r Ilands where hee that did him wronge was allso to bee his Iudge was the cause that for a longe while hee gott noe restitution About Mid sommer 1622 the Court takinge consideraçon of the wrong done to Captaine Kendall; and the Earle of Warwick referringe his Claime to the Iudgment of the Courte, itt was ordered that Nyne of the same Negros should be deliuered to Cap^t Kendall, and the rest to be consigned to y^e Companies vse w^{ch} the new Gouverno^r Cap^t Bernard lately deceased was required by his Instruções to ||see|| putt in execuçon. After whose decease by a Lre ther p^rduced as from the said Earle importinge that the said Negros should not be deliuered vnto the said Kendall and vppon advantage taken of mistakinge the Hollanders name, the said restitution is still deferred and the poore gentleman still languisheth vnder the effects of most vniust oppression; See weake are the Companies orders in that Plantaçon if they come once to be countermaunded by any mandate from his Lo^p:

Butt to returne to the conclusion of Cap^t Butlers Gouverment who p^rceiuinge by the multitude of Complaintes against him that hee had incurred some Displeasure wth the Company and as itt seemed vppon iust feare that a Comission would be awarded to the new Gouvernor and others for the examyninge of his

proceedings aboute the ~~last~~ ||late|| Spanish Wrack there so much complained of and for other misdemeano^{rs} wherwth hee stood heavilie charged [297] whether in revenge therof or in pursuite of the aforesaid ends he entred into combination wth the said m^r Lewis Hughes and some other fitt Instruments for such a purpose to make a collection of certaine Greivances to be exhibited to the Inhabitants against the Company and withall for a petiçon to the LL^s of y^e Company first and afterward to the Kinge for alteringe the Gouverment of the Company here as beinge Antimonarchicall, and for y^e reducinge itt into the hands of a few principall personns.

This done and beinge laden itt seems wth wealth and mallice contrary to a solemne order by himselfe enacted, and to y^e desire of the Inhabitants by the help of a small Ship provided to fetch him away from the Summer Ilands (as the same had been done vpon the like occasion for Cap^t Argall from Virginia) hee was conveyed thence a little before the new Gouverno^{rs} Arrivall and soe deliuered from the tryall intended by the said Comission, Leavinge those Ilands wth the Inhabitants in a most myserable plight.

Butt Cap^t Butler (as itt seemeth) not satiated wth his wrong to that Plantaçon and to the Company heer for y^e same goeth from thence to Virginia to be revenged allsoe on y^e other Company for that other Plantaçon consistinge in great part of the selfe same psonns.

To Virginia hee came in an ill season of the yeare towards the extremity of Winter, and in a worse time otherwise after the late Massacre where beinge refused to sitt in Counsell wth them, wherto hee could shewe no right though otherwise entertayned wth very great courtesie, hee fedd his eyes wth the miserable spectacle of a Country ouerrun §wth§¹ a late Treacherous warr, w^{ch} in a harte of any sence of mortall Calamytie would have wrought though not a Christian yett an humane Compassion.

Butt hee soone after returrninge into England, and findinge the Companies full of trouble by some ffactionous Spirites and that enquiry was allredie made, and some reasonable Discouery of his vnthankfull practise and conspiracie in the said Summer Ilands to deprive them of that Gouverment, by whome and by w^{ch} himselfe was made Gouvernor means was found by some of the aforesaid Instruments that hee should be brought vnto y^e Kinge and commaunded as is said to make vnto his Ma^{ty}: a true Relation of the State of Virginia, w^{ch} Relation termed by himselfe an Vnmaskinge of Virginia and consistinge of an extreame disgraceinge of that Country & Plantaçon together wth a moste bitter aspersion vpon [298] the Gouverment therof both there and here, how farr itt is in all

¹ Written over "&" by the copyist.

materiall poyntes from truth, hath soe fully appeared by vndenyable prooffe as that impudencie itt selfe cannot open mouth to excuse itt.

In fine these disguised Accons beinge vnmasked they now playnly professe, S^r Nathaniell Rich in the Courte his Brotherinlawe S^r Thomas Wroth att the Counsell Board Alderman Johnson in his Petition to his Ma^{tie}, Cap^t Butler in his Dismasking and others by other means some of them in one parte and some of them in another y^t they desire an alteraçon of the Gouverment in both Companies; wherby as may be very stronglie presumed (comparinge their former pceedings wth the present) to drawe the Plantaçons into their former Estate of beinge Subiects vnto their Ambition and inexplorable avarice.

In the meane time their practises and labours are infinite in disgraceinge wth all kindes of Calumnies & slanders the present Gouverment of the Companies wth their Acçons and psonns The said Earle also apparantly (to drawe (itt seemeth) vnto himselfe some shoue of a partie) countenancinge and graceinge all kindes of opposites to the Companies vppon what cause ~~ever~~ soe ever, and though hertofore sundry of them noe less opposite allsoe to his Lo^p: And vnder p^tence of iustifyinge those their manyfold vntruthes they have sued for a Comission to examine those Imputaçons wherwth they have been pleased to charge the Gouverment in these fower last years. W^{ch} Comission by his Ma^{ties} grace and the Lords noble Iustice ordayned to extend allsoe to y^e Twelue years of the former Gouverm^t, and the Companies earnestly pressinge them to take out their Comission they have still delayed and doe delay the same knowinge (as itt seemeth) in their owne guilty consiencies that they are neither in any degree able to charge the latter nor yett to excuse y^e former Gouverment.

This Remonstrance of the strange and longe continued pceedings of the Instruments afore saide, y^e said Counsell and principall Assistants haue thought fitt to gather into one bodie, and soe to offer itt to y^e veiwe and Iudgment of the generall Court^e beinge a matter of the highest importance y^t ever came into their consideraçons, as concerninge not a fewe Branches, butt the very Bodies, lyfe and subsistence of both the Plantaçons and Companie. [299]

Herevpon it was aduised, that seeings it may be iustly feared, the Opposers haue some other ends in their priuate courses then are yet discovered, and doe therefore seeme to retard the Comission to y^e wrong of the Company, That therefore the Companies be suitors to his Ma^{tie} for y^e expediting thereof W^{ch} course being well approued, and S^r Edwin Sandis S^r Robert Killegrue & S^r Io Dāuers being entreated

to drawe y^e petiçon according to y^e head℥ propounded and agreed on, they forthweth drew it and brought it vnto y^e Court being this w^{ch} followeth viz^{tt}

May 7, 1623.

To the Kinges most Excellent Ma^{tie}

The most humble petiçon of y^e Companies for Virginia & y^e Summer Iland℥.

Yo^r Supp^{ties} in all duety present their humble petition at y^e foote of ¹ yo^r sacred Maiesty y^t wheras Alderman Iohnson assisted wth sundry others delu⁹ed vnto yo^r Ma^{ty}: a petiçon of Complainte against the present Gouverment of y^e said Companies And allsoe one Cap^t Butler late Gouvernor of the Somer Ilands and newly com from Virginia exhibited to yo^r Ma^{ty}: a writinge intituled the Dis-maskinge of Virginia: And the said Alderman Iohnson wth his Associates desyred in their said petiçon to have a Comission from yo^r Ma^{ty}: for examynaçon of the misgouernm^t by y^e said Companies and p^ticularly in matter of Account℥ for these last 4 years w^{ch} by yo^r Ma^{ty}: Iustice and grace and by order from the LL^s was extended to the 12 years allso of the fformer Gouverment.

Now forasmuch as the said Alderman Cap^t Butler and their Associates not withstandinge our requests vnto them and their pmise thervppon doe still delay and forbear to sue out their said Comission to the extream wrong of ~~their~~ §yo^r§ Supplyants whose Acçons & psonns they have most vniustly and vntruly endeauored to blemish in y^e eyes of yo^r sacred Ma^{ty}: w^{ch} blemishes cannot otherwise be wyped away butt by a due tryall vppon the said Comission.

Yo^r Supp^{ties}: most humbly beseech yo^r excellent Ma^{ty} to be pleased to give forth yo^r Royall Commaund y^t the said Comission may proceed wthall convenyent expedition y^t therby yo^r Ma^{ty} may be informed of the truth of matters now questioned y^e innocent may bee cleered, & y^e culpable receaue deserved punishment.

Meane time they allso humbly beseech yo^r Ma^{ty}: y^t the great and vnited bodies of the said Companies may still stand right in yo^r Princely iudgment and not be weighed as in equall ballance wth these few oppugners w^{ch} never appeared to exceed 26 in nomber who have been the vsuall disturbers of the Companies and have contributed little helpe either by purse or Counsell to y^t great Plantaçon and who to the extreame iniury both of y^e Companies and Colonies have p^rsumed to wronge the Sacred ears of yo^r Ma^{ty}: wth many most grosse vntruthes as they doubt not will in due time most manifestly appeare

Lastly they allso humbly entreat yo^r Ma^{ty} y^t the Companies Bookes beinge the Recordes of their Courts and wthout w^{ch} they are not able to Gouverne their buisines haveinge been sequestred from them now 14 daies may att length be restored vnto them.

¹ The rest of this petition is in the autograph of Thomas Collett (?).

And y^t yo^r Ma^{ty} takinge into consideraçon of yo^r princely wisdomē Iustice, and Grace y^t these Companies consistinge of neer 50 Noblemen Peers of y^o Realmes of some hundred of Knights and of many hundreds of gentlemen, good Marchants and Cittizens who haue alredy expended vppon those Plantacons aboue two hundred Thousand pounds of their owne pper substance, and transported thither diuers thousands of yo^r Ma^{ty}: Subiects wth all their means & estates & who are seated there in quyett as in their owne pper inheritance by vertue and vnder y^o security of yo^r Ma^{ty}'s Ires Patents of originall graunt to ye Companies, y^t yo^r Ma^{ty} will still be graciously pleased to pserve to y^o said Companies their Rights, Liberties and pryveledges granted to them by yo^r Ma^{ty} vnder yo^r great seale of England in affiance wherof they undertooke this great and chargable worke, w^{ch} otherwise would turne to y^o vtter discourragm^t of both Adventurers & Planters & consequently to y^o dissoluçon & destrucçon of y^o Plantacons And yo^r Ma^{ty}'s humble Supp^{lies}: y^o Companies aforesaid shall pceed wth their best endeavo^{rs} for y^o Advancem^t of y^o said Plantacons to y^o great honor & glory of Almighty God pfit of yo^r royall Ma^{ty} & to y^o glory of Almighty God whom they pray for yo^r most long continuance in all princely felicity. [300]

W^{ch} petiçon being twice deliberately read and some alteraçons made therein, It was by a generall erecçon of hande approued and ordered to be deliuered to his Ma^{ty}. The Court earnestly desiring it would please S^r Edward Sackville in the name of bothe the Companies to present the same to his Ma^{ty} wth all expediçon. And further it was desired, he would please to iustify S^r Edwin Sandis to his Ma^{ty} touching his Accounte, being audited and approued of: his Ma^{ty} hauing beene informed, that he had receaued Nyne and twenty Thowsand pounde of the Companies cash, for w^{ch} he had guien noe Account at all.

The Lo: Cauendish acquaynted y^o Court, that the Comittee appointed to consider of some course that might be beneficiall for the Comp^a. in the farming of y^o Spanish Tobacco not only mett, but had endeauoured by a treaty wth y^o Lo: Treasurer to haue abated y^o Six thousand pounde to ffiue thousand pounde; but his Lo^p. told them, he might not abate any part of y^o Kings profit. But his Lo^p promised, he would take such order, as noe more then that quantity should be brought in. Wherefore the Lo: Cauendish moued, that since those who were most likely to be Aduenture^{rs} in the busines were now

The Lord Tresur:
promiseth onely
40000 weight ,,
shall bee brought
in of Spanish Tobacco¹

¹ This marginal entry is in Nicholas Ferrar's autograph.

absent, that therefore a Court might be called on purpose for this busines only, whereby they might come to some resolucon what answere to giue to y^e Lo: Treasurers offer, who required it wthout delay, & y^t y^e Earle of Warwick, S^r Nath: Rich. S^r Iohn Wolstenholme, & those other Gentlemen that are the Officers of his Ma^{ty}s Customs be entreated to be present to giue their best helpe and furtherance to y^e vndertaking thereof.

Wherevpon it was ordered that a Court should be called on ffriday next in y^e afternoone to treat and debate vpon this busines only and noe other, and the Officer was required to giue perticuler notice of this busines.

M^r Deputy propounded y^e passing of One share from S^r Iohn Culpeper to m^r ffreake of y^e Middle Temple Gentleman.

Vpon mocon order was giuen for drawing vp these Pattents following;
Patent for m^r Thomas Moore & his Associate.

Patent for m^r Edward Hurd & his Associate,

Patent for m^r Richard Norwood & his Associate, each of them vnder-taking to transport 100 persons.

Mr George Scotts Three shares to m^r Thomas Culpepper of the Middle Temple being propounded at y^e Last Court, were now passed & m^r Culpepper admitted. [301]

A COURT HELD FOR THE SUMER ILANDES ON
WEDENSDAY IN THE AFTERNOONE THE 7TH OF MAY
1623.

~~PRESENT.~~

The Virginia Court held this Afternoone being ended, & the Lo: Cauendish taking the Chaire, propounded (as was agreed on in the Virginia Court) that a Comittee of y^e Company in generall might

be appointed (saue those of the opposite side) for preparing their defences against the sitting of y^e Comission^{rs}. W^{ch} course being well liked of, was by a generall erec^on of hand^e ordered accordingly. And further ordered, that this Company should ioyne wth y^e Virginia Company in y^e Peti^on that they had ordered to be presented to his Ma^{tie} by S^r Edward Sackuill.

And it was Likewise agreed and ordered by a Generall erec^on of hand^e, that S^r Iohn Dāuers should be entreated to be Preceder in the Chaire for this Comittee.

M^r Deputy propounded y^e passing of Two shares in the Su^mer Ilandes from m^r Edward Ditchfield to Alderman Hamersly.

Vpon m^r Treasurers mo^on, that order might be taken for sale of that parcell of Tobacco, which belongs to the Generall Company; The Court haue appoynted himselfe, m^r Robert^e, m^r Meuerell, m^r Webb and m^r Cuff to make the best sale thereof they cann for y^e Companies proffitt.
[302]

A PREPARATIVE COURT HELD FOR VIRGINIA
ON MONDAY IN Y^E AFTERNOONE
THE 12TH OF MAY 1623.

PRESENT

Right hono ^{ble} Lo: Cauendish.	S ^r Edw: Sandis.
Lo: Pagett.	S ^r Iohn Dāuers.
Lo: D'Lawarr.	S ^r Walter Earle.
S ^r Ed: Sackuill.	S ^r Ro: Killegrue.

m ^r Gibbs.	m ^r Bootbby.	m ^r Masterson.
m ^r Nicho: fferrar Dpt.	m ^r Copland.	m ^r Rider.
m ^r Ald ^r an Iohnson.	m ^r Balmford.	m ^r Sheppard.

m ^r Zouch.	m ^r Moore.	m ^r Ley.
m ^r Bing.	m ^r Seldon m ^r Woodall.	m ^r Ewens.
Cap: Haruy.	m ^r Barker.	m ^r Collett Couell.
m ^r Iohn fferrar.	m ^r Bickly.	m ^r Newland.
m ^r Palavicine.	m ^r Viner.	m ^r Robert℄.
m ^r Bromfield.	m ^r Sherroe.	Cap: Bargaue.
m ^r Risely m ^r Rawleigh.	m ^r Widdowes.	m ^r Barkly.
Doctor Anthony.	m ^r Woodall.	m ^r ffancott.
m ^r Tomlins.	m ^r Swinhoe.	Cap: Io: Smith.
m ^r Scott.	m ^r Newport.	m ^r Webb.
m ^r Withers.	m ^r Etheridge.	m ^r Cuff.
m ^r Barbor.	m ^r Palmer.	m ^r Edward℄.
m ^r Downes.	m ^r Hobbs.	m ^r ffelgate.
m ^r Caswell.	m ^r Moorewood.	with diuers others.
m ^r Bland.		
m ^r Wheatley.		
m ^r Moorer.		
m ^r Leauer.		

The Court held the Seauenth of this Moneth was now read whereat m^r Aldřan Iohnson tooke excepōn, saying, that the word℄ sett downe as spoken by y^e Lo: Cauendish in his Lo^{ps} report touching his petiōn, namely that he deliuered to his Ma^{tie} (a verie bitter and greivous Petition) were not spoken but putt in by y^e Secretary. But the Lo: Cauendish himselfe said, he very well remembred he vsed those word℄, and diuers also of y^e Court remembred his Lo^p spake them. Wherevpon the Court being putt to y^e question, It was by a generall erecōn of hand℄ (saue ffiue only) approued to be rightly sett downe.

The Lo: Cauendish acqaynted the Company, that whereas y^e Court held y^e Nyneteenth of ffebruary Last, did recomend to a select Comittee the drawing vp into the ||a|| forme of lawes certaine orders then made touchings Mens admission to haue Voic℄ in the Court℄, as also concerning the nominaōn of Comittees for perticuler businesses; the Comittees hauing mett, had drawne vp y^e said Lawes & presented

them to the Counsell; who approuing of them, desired they might be brought to this Court according to the Lawe; Wherevpon was read this Lawe following,

An order touching y^e admitting of men to haue
Voice in Court.

To auoid the bringing in hereafter of disorderly and vnworthy [303] persons to haue Voice in Court, It is ordered, that noe man shalbe admitted into the Courts, but in this manner, first his name shalbe openly proposed in some Court, that y^e Company may take notice or consider of him or make such enquiry as they shall thinke fitt; Then afterward in y^e next or any other Court (if he noe iust excepcon be taken to him, other orders of y^e Company being also obserued, he may be admitted; If excepcon be taken, the same shalbe tryed by the same or some other Court; If y^e party appeale it shalbe tryed in a Quarter Court.

W^{ch} order after Long and mature debate, being putt to y^e question was by a generall ereccon of hand^l (onely ffiue hand^l excepted) approued of and ordered to be recomended to the Quarter Court for a full confirmacon to stand as a Lawe and order of the Company.

And whereas it was moued herevpon, that the like caution might be taken of those, that were admitted to be of y^e Counsell; It was held to be a most necessary Proposition, and fitt to be hereafter taken into consideracon, though now it could not be passed by reason of y^e neere approach of y^e Quarter Court.

Next were read the orders touching the naming of Extraordinary Comittees, viz^{tt}.

Orders touching the naming of extraord: Comittees.

To auoid all confusion in naming of Comittees extraordinary, It is ordered that noe one man may name aboue one Committee, except the Treasurer who may name two and y^e Deputy in his absence; yet noe

man shalbe permitted to name any ~~Comitte~~, if y^e matter comitted concerne himselfe. If exception be taken to any person soe named, it shalbe decided by question in y^e Court.

But if y^e matter comitted be of great importance, the Court shall proceed in this manner; The number of Comittees shalbe first agreed on by y^e ~~one~~ Court, the one halfe shalbe first named by the Treasurer, Deputy and Counsell, and the other halfe by the Gennerality, obseruing y^e order last before.

W^{ch} orders being read and debated, & the first order altered in some word^ℓ as may appeare & soe being putt to y^e question, was by a generall ereccon of hand^ℓ (noe one dissenting) approued and referred (as y^e former) to the Quarter Court to be confirmed to stand as a Lawe & order of y^e Company.

S^r Iohn Dauers presented vnto this Court the Account of the Earle of Southampton for y^e yeare Last past; signifying that the Auditors had exactly examined the same, & testified their approbacon thereof vnder their hand^ℓ; finding it to be soe duly & orderly kept, as could possibly be desired. [304]

M^r Deputy likewise presented his Account^ℓ of mony Laid out, by him for y^e Generall Company, audited and approued of both by the Auditor^{rs} and Comittees; whose report therevpon he read being as followeth, viz^{tt}¹

Wee whose names hereafter followe have audited the Accompts in this Booke p^sented vnto vs by m^r Nicholas fferrar Deputy, of his Disbursments for the generall Company and wee finde the estate therof to stand thus—(vizt)

Imprimis hee hath receaued	169 th : 12: 01
And hee hath Disbursed	175: 06: 09

Soe y^t ther is due to him vppon his Accompt w^{ch} hee hath Disbursed more then hee hath received the some of fve pounds fourteen shillings eight pence, And hee hath allso shewed vs the seuerall warrants and receipts vnder the said warrants of the pties to whome the monneys were made paide soe wee have

¹ The report of the auditors is in the autograph of Thomas Collett (?).

seen audited and approved his Accompt the 12th of May 1623. and finde due to him from the generall Company ----- 05^{li} 14^s 08 except the pcell of petty charges wee have seen warrants for all the rest and receipts for divers of the petty charges.

Iohn Bland.	Edw: Sandys.
Rich: Wiseman.	Ed: Bennet.
Geo: Smith.	Tho: Whitly.
	Rich: Bothby.

M^r Deputy signified, that whereas the Last yeare m^r Iohn fferrar gaue vp his place of Deputishipp, he stood engaged for y^e Company for neere y^e some of 1400^{li} as appeared by the Auditors & Bookekeepers testimony and Certificate, for w^{ch} the Company were pleased to giue him their Co^mon seale to pay ||him|| and secure him; That since that time the most of those debts were discharged and there remayned due to m^r Iohn fferrar only 320^{li} for monyes taken vp by him at interest, w^{ch} the Auditors testified vnder their hande in manner following viz^{tt}.

Wee the Audito^{rs} and Comittees of y^e Company for Virginia hauing this present Twelueth of May 1623. audited y^e accompts of the Right hono^{ble} Henry Earle of Southton for y^e yeare Last past begining at the Two and Twentith of May 1622, vntill this present Twelueth of May 1623, doe find that there hath beene receaued by the said Right hono^{ble} the some of 320^{li} of monyes taken vp at interest accordingly as in the said Account is expressed; for w^{ch} monies m^r Iohn fferrar hath giuen his Bonde vnto y^e Lady Rumny for 200^{li} and to m^r Melling for 120^{li} So that y^e Virginia Company doe owe m^r Iohn fferrar the some of Three hundred & twenty pounde. In witnes whereof wee haue here-vnder sett our hande, Dated the Twelueth of May 1623.

Edw: Sandis.	Io: Dauers.
Io: Bland.	
Ed: Bennett.	Rich: Wiseman.

ffor the repayment whereof as also of those other debte, that were yet owing vpon y^e vndertaking of these last ffoure yeares, m^r Deputy said, that he did expect and assure himselfe, that by the goode that should

be returned this yeare from Virginia, and [305] some other debt^e due vnto y^e Company, all might be discharged wth some surplus; So that he well hoped the Company should not be left more in debt, then they should be able speedily to pay.

As for the security and indempnity of m^r Iohn fferrar for the mony for w^{ch} he stood bound, the Auditors presented the draft of a security. W^{ch} being read was well approued, and ordered to be engrossed & passed in y^e Quarter Court, being as followeth (viz^{tt})¹

Whereas itt appeareth by the testimony of the Audito^{rs} and Comittes of y^e Company for Virginia vnder their hand writinge bearinge date the twelfth of May 1623 that Iohn fferrar hath payd into the hand^e of y^e Right Hono^{ble}: Henry Earle of Southampton Treasurer of y^e Company y^e some of Three hundred and Twenty pounds taken vpp by him y^e said Iohn fferrar of the Lady Rumny and m^r Thomas Mellinge in May last past in the year 1622 wherof Two hundred pounds was by order and entreaty of y^e Quarter Court for to make provisions for the buildinge of the forte intended by Captaine Each and the other was for discharge and payment of diuers due and lawfull Debts from y^e Company approved by the Audito^{rs} and Comittees the interest of w^{ch} monneys haveinge been payd vntill this present twelfth of May 1623 out of the Companies Cash y^e principall yett remaynes vnsatisfied and m^r Iohn fferrar still engaged vnto y^e said ~~said~~ seuerall pties aforenamed for the said sume of 320^{li}: Now for y^e Securitie and indempnyty of y^e said Iohn fferrar and for the payment and satisfac^{on} of y^e said sume of 320^{li} together wth all y^e interest and damages that shall arise therby; Itt is ordered and agreed that all such goods & Comodities as shalbe returned from Virginia belonginge to ye generall body of the Company shalbe from time to time consigned and deliuered into the hands of the said Iohn fferrar to be by him sold and disposed of vntill the said some of 320^{li} shalbe fully payd and discharged together wth all the Interest and damages y^t shall arise therby, And for the farther securitie of y^e said Iohn fferrar, It is likewise farther ordered and agreed y^t it shalbe lawfull for the said Iohn fferrar to receaue and take to his owne vse all such monneys and Debts as are and shalbe due vnto y^e Comp^a: from any whomsoeuer & hee y^e said Io: fferrar can peure vntill such time as hee be fully satisfied and discharged of y^e said some of 320^{li}: together wth all the Interest and damages y^t shall arise therby: And it is ordered & agreed y^t y^e Acquittances and Releases of y^e said Io: fferrar shalbe a sufficient discharge vnto all such as shall pay him any monnyes vntill the aforesaid Debt be fully paid & discharged: And in con-

¹ This security is in the autograph of Thomas Collett. (?)

firmacion of y^e pmisses y^e Comp^a: for Virginia beinge assembled in a great and generall Qu: Court held for Virginia y^e fourteenth day of May 1623 have hervnto caused their legall Seall to be affixed.

||Sealed in the p^senc of me

Ed. Collingwood Secre||

S^r Edwin Sandis signified, that at the end of his yeare ||of|| being Treasurer, he presented his Account for that yeare, audited and approued of. And whereas he continued afterward still their Treasurer, till the end of Midsomer terme following, he had likewise perfected the remayne of his Account for that tyme, and being allowed by the Audito^{rs}; he presented the same heretofore vnto y^e Court, w^{ch} hath since Layen open at euery Court and noe excep^con taken thereat; He therefore moued that according to y^e orders of y^e Company, he might haue his Quietus est this next Quarter Court. Which the Court generally held fitt should be graunted, and ordered the same to be giuen him accordingly.

It was Likewise thought fitt & ordered, that for y^e Two yeares formerly past, the Earle of Southampton should haue his Quietus est; [306] but for this Last yeare, it should be respited till the next terme, because the Account was to lye open at each Court, betweene this and then, by the orders of the Company, for any man to p^{er}vse and take excep^con if any error could be found.

Vpon mo^con it was Likewise thought fitt & ordered, that m^r Iohn fferrar according to order should haue his Quietus est this next Quarter Court, his Account^e being long since audited & approued of, & often brought vnto y^e Court to be p^{er}vsed.

S^r Iohn Dāuers moued, that whereas one m^r Okely Secrē to y^e Lo: Keeper hath taken much paynes in dispatching diuers L^{res}, that his Lord was pleased to write at the Companies request vnto certen persons indebted to y^e Company, being ready still to doe the Company that seruice; that therefore some gratifica^con might be giuen him for his paynes. Which mo^con the Court thought very fitting & promised considera^con should be had thereof, assoone as mony came into y^e Companies Cashe.

The Lord Cauendish moued, that whereas m^r Newton hath taken much paynes in warning the Court^e euer since m^r Carter Left the place, he might therefore be proposed at this next Quarter Court for y^e Beadles place for this yeare ensuing; w^{ch} the Court generally agreed vnto.

M^r Deputy acquaynted the Court, that Wednesday next was the vsuall day of elec^{cion}, and in regard the Earle of South^{tons} three yeares were expired, they should doe well to take to their considera^{cion} the choice of some Noble & worthy person to succeed him; wherevpon diuers named the Lo: Cauendish, and diuers others named y^e Lo: Pagett.

The Court taking into their considera^{cion} the offer of y^e Lord Treasurer touching the ffarming of the Spanish Tobacco (about w^{ch} they were now to come to some speedy resolu^{cion}) & finding the same could not otherwise be vndertaken, but by priuate Aduenturers (the Company hauing noe Stock) After a serious debate and consulta^{cion} herevpon, it was at length¹ agreed & ~~ordered~~, that to giue a begining to this busines, a Preamble should be forthwith drawne by a Comittee appointed by this Court, whereby to invite men to an vnderwriting toward^e a Ioint stock, vpon such condi^{cions} as y^e said Comittee should thinke fitt. And touching the yearely rent of 6000^{li} demaunded for this farme of Spanish Tobacco, it was thought fitt to respite the concluding hereof, vntill they had tryed to what some they could bring the Roll Vnto, and then the Vndertakers to treat wth y^e Lo: Treasurer [307] about it, & driue their owne bargaine as good cheape as they cann; ffor drawing vp the aforesayd Preamble, the Court appointed

m ^r Gibbs	m ^r Wolstenholme
m ^r Bennett	m ^r Bland
m ^r Withers	m ^r Scott
m ^r Barbor	m ^r Ditchfield
m ^r Caning	m ^r Palmer
m ^r Moorer	

to meete too morrow morning about it.

¹ Written over "lenght."

The Lo: Cauendish acquaynted the Company, that whereas at their being before y^e ffs on ffriday last, they were appointed to attend their Lo^{ps} vpon y^e next ffriday; he had this day receaued another warning, that they are to attend them too morrowe in y^e Afternoone: Wherefore he wished the Company to take notice hereof, and not to faile to be there about Two of y^e Clock & to meete together in y^e Stone Gallery.

M^r Iohn Newport moued, that whereas ~~his father~~ Cap^t Christopher Newport had vnder the seale of y^e Counsell ffoure hundred pounds allowed him for his Aduenture in Shares of Land to y^e number of Thirty two shares, that the said shares might be confirmed vnto him, being his only sonne and heire, as also such Personall shares as are due vnto him for y^e transport of men heretofore, or that hereafter he shall transport at his owne charge. W^{ch} request the Court hath graunted vnto him: and to this purpose there being a draft of a Patent presented & read; the same was approued and ordered to be engrossed against the Quarter Court.

S^r Iohn Dauers propounded the admission of y^e Lo: Bruice into the Company and Counsell, who had of late shewed a great good affectiō to y^e busines of y^e Plantaçon & Company. W^{ch} y^e Court very willingly consented vnto, & ordered to be recomended to y^e Quarter Court.

It was Likewise moued that m^r Tomlins & m^r White, being Gentlemen that had with Long & continuall dilligence attended the Court might then also be proposed to be admitted of y^e Counsell.

M^r Deputy propounded y^e passing of Ten shares to one m^r Iohn Burgh from Peter Humble the sonne & heire of Richard Humble deceased, who had Eight shares by his owne Aduenture & two others as Executor to his Sister the wife of Raple Harrison deceased, whose Executrix shee was, they bothe dying issueles, & y^e said Richard Humble being ye imediate heire.

M^r Deputy likewise propounded y^e passing of One share from m^r Bland to m^r Robert Edward^e. [308]

A VIRGINIA QUARTER COURTE THE 14 OF MAY
1623 BEING

PRESENT

the Right Honorable¹

Ea: Southampton.	Lo: Lawarr.
Ea: Dorsett.	Lo: Maynard.
Lo: Pagett.	

S ^r Edwa: Sackuill.	S ^r Iohn Bouchier.	S ^r Edward Spencer.
S ^r Iohn Dauers.	S ^r Rob ^t Killegrew.	S ^r Henry Mildmay.
S ^r Edw: Harwood.	S ^r Walker Earle.	S ^r Thom: Wroth.
Doctor Dunn.	m ^r Ditchfeilde.	m ^r Morewood.
Doctor Meddus.	Cap ^t Butler.	m ^r Iadwin.
m ^r Gibbes.	m ^r Swinhoe.	m ^r Newland.
m ^r Alder Iohnson.	Cap ^t Bargraue.	m ^r Newporte.
m ^r Wolstenholme.	m ^r Boothbie.	m ^r Birkley.
m ^r X ^o Brooke.	m ^r Casewell.	m ^r Wiseman.
m ^r Zouch.	m ^r Meuerell.	m ^r Proctor.
m ^r Bynge.	m ^r Blande.	m ^r Morer.
D ^r Anthony.	m ^r Couell.	Cap ^t Bruster.
m ^r Pallavicine.	m ^r Leauor.	m ^r Paulson.
Cap ^t Harvie.	m ^r More.	m ^r Tho: Sheppard.
m ^r Tomlyns.	m ^r Gookin.	m ^r Hinde.
m ^r Rob ^t Smith.	m ^r Seawarde.	m ^r Barbor.
m ^r Harbert.	m ^r Woodall.	m ^r Sheldon.
m ^r White.	m ^r Rob ^{ts} senior.	m ^r Trueloue.
m ^r Berblock.	m ^r Scotte.	m ^r Sparrow.

¹The caption of this court is in the autograph of Nicholas Ferrar. At this point the handwriting changes to that of Thomas Collett (?).

m^r Withers.
m^r Downes.

m^r Dike.
m^r Maisterson.

m^r Bromfeild.
m^r Barker.
m^r Copeland.

m^r Balmforde.
m^r Rider.
m^r Geo: Smith.
m^r Vyner.
m^r Edw: Waterhous.
m^r Whitley.
m^r Nicholls.
||m^r Morris.||
m^r Ley.
~~m^r Edwards.~~
m^r Bennet.
m^r Rogers senio^r.
m^r Hardinge.
m^r Badge.
m^r Raynard.
m^r Rob^{ts} Iunior.
m^r Rogers Iunior.
m^r Webb.
m^r Buckridge.
Wth divers others in all to ye nomb^r of
aboute 200.

S^r Iohn Davers acquainted the Company that wheras by their orders they were first to read the precedent Quarter Courte Itt could not now be done by reason the LL^s: of his Ma^{ty}: privie Counsell had sequestred all the Courte Bookes out of y^e Companies hande.

The Preparative Courte of y^e 12th of §this§ Month was read and by a generall erec^on of hands (no one dissentinge) approved to be rightlie sett downe.

In regard the Earle of Southampton had not as yett fully ended his three years Gouverment before the next Quarter Court: the Courte

humbly besought his Lo^p: to continue the place of Treasurer vntill the next Quarter Courte: W^{ch} his Lo^p yeilded vnto itt was by a gen^lall erec^on of handes ordered y^t the elec^on for this day should be suspended and his §lp§ continued till y^e next Quarter Courte.

And in regard the present Deputy, Audito^r: Co^mmittees & other officers were best acquainted with the buisines of the Company, especially [309] wth the late passages in Courte and wth matter of Accompts wherin they cann best sattisfie the Comissioners in case they shalbe requyred Itt was therfore agreed and ordered by a generall erec^on of hands that they should be continued in their places vntill the next Qu: Courte.

This done S^r In^o Davers propounded the passinge of those two Lawes and other perticuler buisinesses proposed in the Preparative Court and referred to this great Courte for confirmation: The first Lawe begininge wth this Tytle:

An Order touchinge y^e admittinge
of men to haue Voice in Courte.

To avoyde the bringinge in of disorderly and vnworthy personns hereafter to haue voyce in Courte itt is ordered y^t no man shalbe admitted into the Courts butt in this manner. ffirst his name shalbe openly proposed in some Court that the Company may take notice and consider of him or make such enquiry as they shall thinke fitt then afterward in the next or any other Courte if no iust exception be taken to him, other orders of y^e Comp^a: beinge allso observed hee may be admitted. If exception be taken the same shalbe tryed by the same or some other Courte; If the pty appeale itt shalbe tryed in a Quarter Courte.

W^{ch} Lawe beinge a mended wth y^e addition of this worde (hereafter) and fyndinge in the Lers Patent^e nothinge to Contradict itt (but rather to confirme itt) was att length putt to the question and by a generall erection of hands ratefied and confirmed to be a ppetuall standinge Lawe and order of the Company.

Next was read the Lawe consistinge on two braunches begininge wth this Title

Orders touchinge y^e naminge of extraordinary
Comittees

To avoyd all confusion in naminge of Comittees extraordinarie itt is ordered that no man may name aboute one Committee except the Treasurer who may name Two & y^e Deputy in his absence Yett no man shalbe pmitted to name any Committee if y^e matter Comitted concerne himselfe; If exception be taken to any psonn hee §so§ named itt shalbe decyded by question in the Courte.

Butt if the matter Comitted be of great importance the Court shall pceed in this manner: The number of Comittees shalbe first agreed on by the Courte the one halfe shalbe first named by the Treasurer Deputy and Counsell and theother halfe by the generallytie observinge the order last before.

W^{ch} for y^t no man tooke exception to them were putt to y^e question & by a generall ereccon of hands ratyfyed and confirmed as y^e former of §for§ a standinge Lawe. [310]

S^r Iohn Dauers presented vnto the Court three seuerall Bookes of Accomptes of the Earle of Southampton for the Three last years past of his Lo^{ps} Gouverment Audited and approved of vnder the Audito^{rs} hands: Touchinge w^{ch} Accomptes hee moved that although by the Order of the Company his Lo^p: was to haue his Quietus est for the two former years: Yett seeinge itt was now agreed his Lo^{ps} three yearle Gouverment should extend till the next Quarter Court And that this his last years Accompt is by order to ly open in Court till then. That therefore his Lo^{ps} Quietus est be respited vntill hee may receave itt for all his Accompts together w^{ch} y^e Court generally agreed vnto and ordered the same accordingly.

S^r Edwin Sandys Accomptes beinge likewise presented in Courte Audited and approved of, Itt was ordered that in regard itt appeared that they had layne open in Seuerall Courtes their due times appointed

by the orders of the Company and no exception taken vnto them his Quietus est should be graunted him w^{ch} beinge presented in Court redy drawne vpp was read and approved by a generall ereccon of hands and ordered to be sealed: The Coppy wherof doth here ensue.¹ [311]

The Accompt^r likewise of m^r In^o fferrar beinge p^rsented in Court Audited and approved of both by the Audito^{rs} and Comittees and haueinge layne their due times open in Courte and no exception taken vnto them: The Courte ordered hee should haue his Quietus est w^{ch} beinge redy engrossed to the same effect as the former was read approved and ordered to be sealed beinge as followeth

The Treasurer and Company of Adventurers and Planters of y^e Cittie of London for the first Colony in Virginia To all to whome these p^rsents shall com greetinge: Wheras Iohn fferrar of London Marchant late Deputy of the said Company hath by fflower seuerall Book^e of Accompt^r of his office of Deputyship extendinge from y^e 20th day of Aprill 1619 till the 22th Day of May 1622 exhibited vnto the Court^e of the said Treasurer and Company A true and p^rfect Accompt^r of all monneys by him Received for the vse of the said Company or of the Colledge intended to be founnded in Virginia duringe y^e time of his Office aforesaid or afterward by order of ye Court or otherwise In w^{ch} Accompt^r hee hath allso p^rticularly declared how the said monneys have been disbursed and expended for the vse of y^e saide Company and Colledge by lawfull War^rnt^e wth the Receipt^e endorssed or subscribed vnder the said war^rnt^e or in Book^e for that purpose W^{ch} accompt^r accordinge to the orders of the said Company have been duly examyned Audited and approved by the Audito^{rs} and Comittees of the said Company as appeareth vnder their hands; and afterward the said seuerall Book^e of Accompt^r have layen openly on the Table in the ~~said~~ Court^e of the said Treasurer and Company duringe the times in the said Companies orders appoynted and no exception hath been taken to them: The said Tr^rer and Company therfore accordinge to their orders in that case established att the instance and desire of the saide Iohn fferrar haue for them and their Successo^{rs} acquitted and Discharged and by these p^rsents doe for ever acquitt & discharge the said Iohn fferrar his Heirs executo^{rs} and administrato^{rs}, of and from all and every the said monneys by him received and of & from all further Accompt by him to be rendred for the same and of and from all Acc^rons sutes and Demaund^e for or by reason of the monneys or Accompt^r aforesaid: In wittnes wherof the said Tr^rer and Company haue herto caused

¹ The copyist left three-fifths of the page blank, but the quietus est of Sir Edwin Sandys was not inserted, as was evidently intended.

their Legall seall to be affixed Given in a great and generall Quarter Court of the said Treasuro^r and Company held the 14th Day of May 1623 And in y^e year^e of the raigne of our Soueraigne Lord Iames by the grace of God kinge of England Scotland ffrance & Ireland defender of the fayth C^r (vizt) of England ffrance & Ireland the one and twentieth and of Scotland the six and fiftieth.

|| Sealed in the p^lsence of me
Ed. Collingwood secre¹ ||

And further wheras itt appeared by the Audito^{rs} and Com^{it}tees report and testimony vnder their hands that m^r Iohn fferrar stood engaged in the Sum^e of 320^{li} for monny taken vpp att Interest of the Lady Rumney and m^r Thomas Mellinge wherof 200^{li} was [312] imployd in Provisions for buildinge of a fforte intended by Cap^t Each and the rest for discharge of Divers due and Lawfull Debts from y^e Company: The Court ordered accordinge to his request y^t security should be given him, Wherof a draught beinge presented in Court and read was well approved of and by a generall erec^on of hand^e ordered to be sealled beinge as followeth

Wheras itt appeareth by the Testimony of the Audito^{rs} & Com^{it}tees of the Company for Virginia vnder their hand writinge bearinge Date the 12th of May 1623 That Iohn fferrar hath paid into the hands of the Right Hono^{ur}: Henry Earle of Southampton Treasuror of the Company the some of 320^{li} taken vpp by him the said Iohn fferrar of the Lady Romney and m^r Thomas Mellinge in May last past in the year 1622 Wherof 200^{li} was by order and entreaty of the Quarter Court for to make p^{ro}visions for the buildinge of the fforte intended by Cap^t Each, and the other was for discharge and payment of divers due and Lawfull Debt^e from the Company approved by the Audito^{rs} and Com^{it}tees the Interest of w^{ch} monneys haveinge been payd vntill this present 12th of May 1623 out of the Companies Cash the principall yett remaines vnsatisfied and m^r Iohn fferrar still engaged vnto y^e §seu^{al}l§ pties afore named for the said sume of 320^{li} §Now for ye securitie & indempnity of y^e said In^o fferrar and for y^e payment and sattisfac^on of y^e sayd 320^{li}§ together wth all the Interest and Damages that shall arise therby: Itt is ordered and agreed y^t all such Goods and Comodities as shalbe returned from Virginia belonginge to the generall body of the Company shalbe from time to time consigned and Deliu^{er}ed into the hands of the said Iohn fferrar to be by him

¹ This indorsement, in Collingwood's own hand, was evidently inserted at a later time.

sold and disposed of vntill the said Some of 320^{li} shalbe fully payd and discharged together wth all the Interest and Damages that shall arise therby: And for the farther securitie of the said Iohn fferrar itt is likewise further ordered & agreed That itt shalbe lawfull for the said In^o fferrar to receave & take to his owne vse all such monneys and Debts as are and shalbe due vnto the Company from any whomsoever and hee y^e said Iohn fferrar cann procure vntill such time as hee be fully satisfied and discharged of the said summe of 320^{li} together wth all the Interest and Damages y^t shall arise thereby.

And itt is ordered and agreed yt the acquittances and Releases of the said In^o fferrar shalbe a sufficient discharge vnto all such as shall pay him any monneys vntill the afore said Debt be fully payd and Discharged. And in Confirmation of y^e p^mises the Company for Virginia beinge assembled in a great & generall Quarter Court held for Virginia the 14th day of May 1623 haue here vnto caused their legall seall to be affixed.

||Sealed and deliuered in the p^sence
of me Edw. Collingwood secr¹||

The Accompt likewise of m^r Nicholas fferrar Deputy ~~was likewise~~ ||for his last|| year was ~~like~~ presented beinge Audited and approved of by y^e Audito^{rs} and Com^mittees w^{ch} Accompt is by order to ly open in Court till the next Quarter Court for any man to p^ruse & examine that will. [313]

The 7 Pattents w^{ch} hereafter follow beinge duly examyned and Compared by the Committee in the morninge and by them found agreeable to y^e Companies orders and to former presidents were now putt to the question and by a generall erec^on of hande no one discentinge ordered to be sealed viz^t

- 1 Patent to m^r ffrauncis Harwell.
- 2 Patent to m^r Thomas More.
- 3 Patent to m^r Richard Norwood.
- 4 Patent to m^r Edward Hurd.
- 5 Patent to m^r Iohn ffells.
- 6 Patent to m^r In^o: Blyth.
- 7 Patent to m^r Rop and m^r ffitzIeofferie.
- 8 Allso a Confirmation of 32 Shares to m^r In^o Newport Discended vnto him by the death of his ffather Cap^t Christopher Newport, w^{ch}

¹ This indorsement, in Collingwood's hand, was also inserted at a later date.

confirmation beinge read and approved in y^e Preparative Court as allso in the morninge by the Comittee was now putt to the question and ordered to be sealed.

Accordinge to a former mo^ocon in y^e Preparative Court y^e Lord Bruice was now admitted into the Company and chosen to be one of his Ma^{ty}s Counsell by a generall erec^oon of hands.

Allso S^r Humphrey May was chosen to be one of the Counsell.

In like manner m^r White and m^r Tomlyns beinge proposed in y^e former Courte were now chosen to be of the Counsell ~~m^r Thomas~~.

M^r Thomas Newton haveinge been employed in warninge of Court℄ ever since m^r Carter left the place, and beinge proposed att the last Court as one very sufficient to pforme the service, Itt was by erection of hands agreed hee should be continued as Beadle in the warninge of Court℄ till the next Quarter Courte & then should be chosen for the place.

The Shares propounded the last Court were now passed and Confirmed and the psonns admitted (vizt)

Tenn shares assigned to Iohn Burgh from Peter Humble.

Allsoe one Share assigned to m^r Robert Edwards from m^r Bland.

S^r Edw: Sackvill, S^r Rob^{tt} Killigrew, and S^r Iohn Dauers were by this Court entreated to goe to morrow to the Comissioners, And to signifie vnto them y^t the Comp^a: to their great ioy and Content haue vnderstood of the deliury of his Ma^{ty}s: Co^mission vnto their hands to enquire and Certifie all such abuses and misdemeano^{rs} as haue been Comitted att home or abrode in y^t Gouverment any waies tendinge to the p^riudice or ouerthrowe of y^t pious and Royall worke [314] And doe therfor verie earnestly and vnanimously desire that they would be pleased to take seriously into their consideracon the trueth, or falsehood of a Certaine Information not longe agoe exhibited by one Capitaine Butler vnto his Ma^{ty}s entitled The Vnmasked face of our Colony

in Virginia w^{ch} hath given soe Deadly a wound to the happy progress and prossperitie of that Colony as vntill by their wisdomes and integrities the truth may be discouered and the World againe repossessed wth their former good opinion and wth the late conceived hopes of that Plantacon itt mvst indubitably languish if not shortly pish for want of those dayly supplies w^{ch} before y^e Reputacon of that Plantacon ||was thus taynted|| cam in great aboundance, many well disposed psonns beinge by the great conceived hopes therof invited some to transport their psonns others largely to contribute their purses to the great encrease of y^t glorious Action.

This beinge an Act w^{ch} is in the Comissioners power to graunt and a favour so benifycall for the Company to receave they shall proporcon their acknowledgment and thank^e accordinge to their iust estimacon of the same.

Itt was allsoe further moved y^t the Comissioners might sbe^s very earnestly desyred togeather wth the examinacon of the said informacon to take into their serious consideracon the Declaration p^rsented by the Counsell one Wednesday last touchinge Capt: Argall and Cap^t Butler, w^{ch} was conceived to haue strict relation to that pt of Cap^t: Butlers information w^{ch} concerned the misgouernment in Virginia.

ffor somuch as itt was informed the Comittee heretofore appoynted for drawinge vpp the Preamble for bringinge in the 40000 waight of Spanish Tobacco had as yett done nothinge therin: The Court earnestly desyred that they or any of them (not excludinge any other of the Company that would com in and vnderwrite) would meet aboute itt some time to morrow in thafternoone to expedite the same that some Accompt therof may be given to the Lo: Treasurer assoone as may be W^{ch} his Lo^p expects.

Vppon mocon order was given for drawinge and Seallinge a Comission for Iohn ffells M^r of y^e Iacob of about 80: Tunn for transportinge of Passengers and goods to Virginia. [315]

AN EXTRAORDINARY COURTE HELD ON SATTERDAY IN Y^r
AFTERNOONE Y^r 17TH OF MAY 1623

PRESENT

Right Hono^{le}:

Lo: Southampton.	S ^r Henry Mildmay.
Lo: De Lawarr.	S ^r Edward Horwood.
S ^r Io: Dauers.	S ^r Lawrence Hide.
S ^r Robert Killigrew.	

m ^r Harbert.	m ^r Copeland.	Cap ^t Butler.
m ^r Tomlyns.	m ^r Kirbie.	m ^r Swaine.
m ^r White.	m ^r More.	m ^r Scott.
m ^r Gibbes.	m ^r Withers.	m ^r Geo: Smith.
m ^r Bynge.	m ^r Newporte.	m ^r Owen Arthur.
m ^r Palaucine.	m ^r Risley.	m ^r De Lawne.
m ^r Barbor.	m ^r Sheldon.	m ^r Collett.
m ^r Berblock.	m ^r Seamor.	W th divers others.
m ^r Whitley.	m ^r Woodall.	
m ^r Casewell.	m ^r Ley.	
m ^r Balmforde.	m ^r Sheppard.	
m ^r Blande.	m ^r Hobbe.	
m ^r Palmer.	m ^r Morewood.	
m ^r Swinhoe.	m ^r Sparrow.	

The Earle of Southampton acquainted them that this Court was vppon a warrantt received from his Ma^{ty}: Comissioners and Dyrected to the Secretary the Copsy wherof hereafter followeth.

By vertue of his Ma^{ty}: Comission vnder the greate Seale of England to vs and to others dyrected bearinge date the 9th day of this instant Maie; These are to require yo^u to bringe before vs to y^e Questhouse next adioyninge to S^t Andrews Church in Holborne vppō Satterday next by two of the Clock in y^e afternoone, all and singuler such Letters Pattents, Proclamaçons, Comissions, Warrantē, Records, Orderē

Book℄, Accompt℄, Entries and all other notes and writings remayninge in yo^r or any of yo^r Custodies concerninge the Plantacons in Virginia or the Summer Ilands or concerninge the severall Companies there to be pvsed by vs accordinge to y^e dyreccons of the said Comission: Hereof faile yo^u not;

Dated this fifteenth of May — 1623.

Yo^r lovinge frends

William Iones.

Nicho: ffortescue.

Hen: Spiller.

fra: Gofton.

Wm: Pitt. [316]

To Edward Collingwood Secretary to the
Comp^a of Virginia and to the Clerks & Officers
of y^e saide Comp^a or to such other personns
to whome itt may appetyne.

Whervppon y^e Court ordered and appointed the Comittee hereafter named or any Three of them wth the Secretary to attend the Comissioners from time to time wth the Letters Patent℄, Book℄ of Accompt C^r by them requyred to be brought, And att every rysinge of y^e Comissioners to bringe back the originall letters, Patent℄, leavinge ther wth them the Coppies of the said letters Patent℄ w^{ch} they hoped would content y^e Comissioners: As for Accompt℄ the Comissioners were to be desyred in the Companies name that they would respite y^e Deliuery vntill the Accomptant might take Coppies of them when together wth the other things they should be deliuered vnto them.

The Comittee are these:

S^r Robert Killigrew.

m^r Withers.

S^r Iohn Dauers.

m^r Bland.

m^r Harbert.

m^r Barbor.

m^r Tomlyns.

m^r Berblock.

m^r White.

A mocon was made that the Declaracon entituled.

A Declaration made by the Counsell for Virginia
& principall Assistant℄ for the So^mer Iland℄ of their
iudgment℄ touchinge one originall great cause of y^e
dissencon℄ in y^e Companies and present opposiçon℄

Deliuered into the Court by the Counsell on Wednesday the 7th of May
might be directed wth request vnto the Comissioners that they would

take speedy consideracon of itt was conceived that the said Declaracon was Deliuered vnto them allredy from the LL^s of the Counsell who had the same and that itt was and would be incident wth y^e examinacon of Capt Butlers Declaracon reco^mend from the last Quarter Court to be first examined. Butt for the more suerty itt was concluded that the Gentlemen dyrected by the Court to goe wth the Secretary (carrying the Patents and booke) should make request from the Company to the Comissioners for the speedy examininge of the said Declaracon deliuered in by the Counsell for Virginia on Wednesday the 7th of May together wth the said former Declaracon of Captaine Butler as matter of speciall consequence & encourragm^t of the Plantacon and therfor to be speedily cleered and adiudged.

Itt was moved y^t in regard through the two Deputies restraunte m^r Iohn fferrar and m^r Nicholas fferrar ther was a great interrupcon in preparinge of the buisines of the Company for the Co^missioners: And if att the meetinge of the Co^missioners they should be absent their would phapps arise great preiudice to y^e Companies causes in respect they were the greatest Accomptant^e and by reason of their places most versed in the buisines of these latter years y^t therfore the LL^s of his Ma^{ty}s most honob^{le}: Privy Counsell might be humbly Peti^coned in the name of the Company soe farr [317] to release them of their restraunte as they might be enabled to goe forward wth the buisines and in pticuler to attend the Comissioners when the Companies Causes should be handled w^{ch} in regard itt was conceived to be for the generall good of the Company was hoped would be graunted: And itt was accordinglie ordered that a Peti^con to that effect should be drawne vpp to be p^rsented to the LL^s:¹

¹ The order for this restraint is referred to in List of Records, No. 505, Vol. I, page 174, *ante*.

A COURT HELDE FOR VIRGINIA ON SATTERDAY
Y^e 24TH OF MAY—1623.

PRESENT

Right Honob^r Lord Cauendish.
Lord Lawarre.
Lord Paget.
S^r Edward Sackuill.

[*Blank space for names of members attending.*]

M^r Deputy signified that hee callinge this extraordinary Court was vppon a Ire from his Ma^{tie}: dyrected vnto the Trer Counsell & Company w^{ch} the Earle of Southampton havinge read had Deliuiered vnto him, himselfe by reason of extraordinary occasions beinge forced to be absent The Coppie of the Letter here ensueth.

James Rex:¹

Trustie and welbeloved wee greet yo^u well; floreseeinge many inconveniencies of pernitiuous consequence to the Plantacon of Virginia (the good wherof wee haue ever soe much affected) by sundry disorders and abuses crept of late into the Courts & other assemblies held for that Companie, & haveinge to that purpose dyrected now a Comission vnder the great Seale of England for y^e examyninge of those abuses and all other miscarriages in that Govern^t since the first begininge therof, Wee haue in our wisdom thought fitt as a Preparative to y^e Reformacon wee intend, to signifie hereby our pleasure and expresse Comaundem^t vnto yo^u, That no man of what degree or quallitie soever shall com to those Courts or Comittees of yo^r Comp^a: who besides his ffreedome and Land hath not some men now or lately planted vppon his shares, or that is not att this instant engaged (& accordingly pursues) the sendinge of men or supplies thither by the next shippinge; Att w^{ch} meetings if any other shall psume to be p^sent they are to be pceeded against as factious and seditious psons: And our pleasure is y^t this Comaund shall continue vntill the returne of the Comis-

¹ The headings of a similar letter to be written to the King in the handwriting of N. Rich (?) are in the Public Record Office, Manchester Papers, No. 372.

sion now on foote for settling these buisnesses; Wee doe likewise utterlie forbid, that any Complaints be brought to the Comissioners against any man in y^e name of the Counsell or Company, (as wee doe in like manner require the Comissioners not to meddle wth any such) because y^t course tends onely to Defamacon and to raise more contencon, for nothinge [318] can be the Act of y^e Company w^{ch} is not first openly Debated and resolved; Wherin forasmuch as wee vnderstand the Lords of our Counsell haue given express order that no matters of difference should be any more stirred there, and soe by that means to bringe matters Determynd by y^e Counsell and Company to the Comissioners iudgm^{ts} w^{ch} were to preoccupate the Comissioners Iudgment^e or else to oppose the Act and opynion of the Comissioners to y^e Act of the Counsell & Company Our will and pleasure therefore is y^t whatsoever hee or they be that will Com-
plaine of any man, either for publiq, wronge to the Company or pryvate iniuries to himselfe, they shall bring their Complaints in writinge subscribed wth their names to y^e Comissioners, who shall receive answeare therof in writinge and therevppon pceed as they shall see cause: In all w^{ch} wee doe assure our selves to finde that conformitie from yoⁿ, w^{ch} in duety yoⁿ owe to our Comaundem^{ts}, & w^{ch} vndoubtedlie wee shall expect att yo^r hands; Given vnder our Signett att our Court att Greenwich y^e 18 of May 1623 In the one and Twentieth yeare of our Raigne of great Brittain, ffraunce & Ireland.

The letter beinge read itt was generally agreed y^t in obedience to his Ma^{ties}: Comaund they would keep no more Court^e vntill they further vnderstood his gracious pleasure concerninge y^e two pointes therin conteyned, w^{ch} after they had wth much reverence and duty maturely considered of the Court besought the Lo: Pagett and S^r Edward Sackuill to drawe vpp an Humble Petiçon to his Ma^{ties}: w^{ch} they accordingly did and bringinge itt into the Court itt was ordered to be p^rsented to his Ma^{ties}: together wth the reasonns of y^e Courte y^e Drawinge of w^{ch} into forme maynteyninge the substance of what had been deliuered in Court, was referred to the Lo Pagett and S^r Edward Sackuill who pleased to vndertake itt And for y^e delivery both of the reasonns and Petiçon the Court havinge had experience of his Hono^{ties} love and affeccon to the Company and Plantacons, besought my Lord to entreat m^r Chancellor of the Dutchy to perform this good Office for them w^{ch} not doubtinge butt y^t hee would accept, m^r Georg Scott m^r Zouch and m^r Bennett were desyred to attend on m^r Chancello^r wth the Petiçon and reasonns the day followinge att Courte.¹

¹ For the reasons presented at this Court, see List of Records, No. 511, Vol. I, page 175, *ante*.

AT A VIRGINIA COURT ON MUNDAY YE 9TH OF IVNE
1623

PRESENT

Right Hono^{rs}:

Lo Cauendish.	S ^r Iohn Dauers.
Lo De Lawarr.	S ^r Iohn Ogle.
S ^r E ^d : Sackuill.	S ^r Iohn Bouchier.
S ^r Ro: Killigrew.	

m ^r Deputy.	m ^r Etheridge.	m ^r Morris.
m ^r Gibbes.	m ^r Rogers Senior.	m ^r Sheldon.
m ^r Io: fferrar.	m ^r Iadwin.	m ^r Couell.
m ^r Christ Brook.	m ^r Hobbs.	m ^r Barbor.
m ^r Wolstenholme.	m ^r Withrell.	m ^r Sheppard.
m ^r White.	m ^r Robert ^e .	m ^r Collett.
m ^r Palaucine.	m ^r More.	m ^r Whitley.
m ^r Bynge.	m ^r Sharrowe.	Cap ^t Io: Smith.
m ^r Bothby.	m ^r Leauor.	Cap ^t Bargraue.
m ^r Copeland.	m ^r Georg Smith.	m ^r Rogers iunior.
m ^r Balmforde.	m ^r Vyner.	
m ^r Ro Smith.		
	m ^r Newport.	
	m ^r D ^e Lawne.	
	m ^r Rob ^{ts} Iunior.	
	m ^r Webb.	
	m ^r Rider.	
	m ^r Hackett.	
	W th divers others.	[319]

M^r Deputy acquainted the Comp^s: hee had Received a letter from his
Ma^{tie}: formerly deliuered by m^r Chancello^r of y^e Dutchy w^{ch} letter hee

presented to the Courte wher vppon itt was opened and read the Coppie wherof doth here ensue.

James Rex.¹

Right trustie and welbeloved wee greete yoⁿ well; Wheras wee vnderstand that o^r lette^{re} sent vnto yoⁿ bearinge date the 18th day of May last past, haue been conceived & vnderstood contrary to our meaninge and that for that cause yo^r Courts and Comittees haue been since forborne and the p^{er}secu^{ti}on of yo^r buisnesses before our Comissioners neglected;

Wee doe therefore signifie vnto yoⁿ that our inten^{ti}on was not to exclude from sittinge in yo^r Courts any of those who by authoritie of our Letters Patent^e haue right to be present att the same, beinge an Adventurer but onely if itt appeare that any man for the strengthninge of Sides and mayntenance of ffaction haue been vnduely or wthout certaine right admitted, that then wee will y^e examina^{ti}on therof be likewise had before our said Comissioners or such others as wee shall appoynte if the cause shall sooner requyre itt; In the meane time yoⁿ may p^{ro}ceed in yo^r Courts to yo^r buisnesses vsinge y^e libertie graunted yoⁿ by our Letters Patents, wth such discre^{ti}on and modera^{ti}on touching the admittance of any man for the time to com as shalbe fitt soe hee be an Adventurer. Itt is likewise our pleasure y^e in p^{er}secu^{ti}on of such causes before our Comissioners as concerne the vnited body of yo^r Company the Comp^y: may in their owne name followe the same butt shall nott by any meanes in publiq^{ue} Court cause to be read any matter of p^{er}sonall charge tending to the publiq^{ue} disgrace of any p^{er}son whatsoever butt shall leave the same to such of our Counsell for Virginia as y^e body of y^e Comp^y: hath no complainte against or such other Comittees as y^e Court shall thinke Conuenient; And our express pleasure is that y^e Compa: forbear to take vppon them the p^{er}secu^{ti}on of any one p^{er}ticular mans cause but shall leave them wthout such publiq^{ue} p^{ro}tection to exhibite everie one his Complainte in his owne name wth they shall allso subscribe wth their hands; Given vnder our Signett att our Court att Whithall the fowerth day of Iune 1623 in y^e one & twentieth year of our Raigne of Greate Brittain France & Ireland

The Court herevppon thinkinge itt fitt some remonstrance of their thankfullnes should be given to his Ma^{tie} for soe gracious an Answere desyred the Lord Cauendish, S^r Edward Sackuill, Colonell Ogle and S^r Iohn Dauers to entreat m^r Chancello^r in the name of the Company

¹ In the Public Record Office, Manchester Papers, No. 378, is a copy of this letter, signed "vera Copia E: Collingwood Secr^e" in the autograph of Collingwood. The handwriting is similar to that of a copyist of the Court Book. See List of Records, No. 520, Vol. I, page 176, *ante*.

to take that further paines to p̄sent their Humblest thanks to his Ma^{ty}: accordinge to the minde of the Courte w^{ch} was att large expressed.

Itt was moved y^t seeings by his Ma^{ty}s letter the Company were att liberty to prosecute such causes before the Comissioners as concerned the vnited body of the Compa: they would therfore now bethinke themselvs of some fitt matter to present vnto them to worke vppon y^t by a speedy begininge they might com to a speedy end: Whervppon itt was agreed and ordered that their should be imēdiatly presented to y^e Comissioners the reasonns of the exception^e w^{ch} the Company tooke against S^r Tho: Smith^e Accompt^e And together therwith the other Declaraçons Answers C^r. w^{ch} the Grand Comītee haveinge drawne vpp had formerlie presented to the Company. Amongst w^{ch} they conceived [320] Cap^t Butlers Vnmaskinge of Virginia to be of greatest importance and therfore to be recomēded to the Comissioners to be expedited And to this end for the better preparinge of those and other matters wherof the Company were to make their defence; Itt was thought fitt and by a generall erecōon of hands ordered y^t the Auditors and those seuerall Comittees y^t were formerly appoynted should againe meet as often as there should be occasion; And that the Counsell should allsoe meet and ioyne wth them in their advises about the same And soe in the Companies name matters should be presented to the Comissioners accordinge to the permission of his Ma^{ty}s: letter.

Vppon request made a Comission was ordered to be drawne vpp and Sealled for Edmund Tutchin M^r and Cap^t of y^e Due Returne of Lynn of about 60 Tunn for Transport of Passengers to Virginia and after for a fishinge Voyadge.

Vppon a Moōon a Patent was ordered to be drawne vp against the Quarter Court for m^r ¹Dilke and his Associates for Plantinge one hundred personns in Virginia at their owne charge.

M^r Deputy propounded the passinge of one Share from m^r Iohn Burgh to m^r Anthony Withers beinge one of those 10 Shares formerly passed vnto the said Iohn Burgh from Peter Humble.

¹ A blank space in the manuscript.

A COURT HELDE FOR VIRGINIA ON WEDNESDAY
IN THE AFTERNOONE Y^E 18TH OF IvNE 1623.

PRESENT

Right Honob^{le} Lo: Cauendish.
Lo Lawarr.
S^r Ro: Killigrue.

m ^r Dep ^{ty} .	m ^r Ed: Bennett.	m ^r Webb.
m ^r Tomlyns.	m ^r Iadwin.	m ^r Geo Smith.
m ^r Winckfeild.	m ^r Barbor.	m ^r Collett.
m ^r Gibbs.	m ^r Widowes.	m ^r Ric: Bennett.
m ^r Bynge.	m ^r Robert ^e .	m ^r Hackett.
m ^r Palavicine.	m ^r Withrell.	m ^r Cuffe.
m ^r Downes.	m ^r Ryder.	m ^r Sparrow.
m ^r Ro: Edwards.	m ^r Procter.	
m ^r Balmforde.		
	m ^r Sheldon.	
	m ^r Newport.	
	m ^r Swinhoe.	
	m ^r Sharrow.	
	m ^r Bothby.	
	W th divers others.	[321]

The Court held the 9th of Ivne was now read and by a generall erection of hands approved to be rightly sett downe.

A mo^oon was made (as had been formerly) y^t for somuch as itt was Complayned from Virginia that divers Passengers came ouer wth slender and scantt p^rvisions to maynteyne them after their Arryvall wherby they either vnderwent many inconvenyencies or otherwise became burdensome to the Colony ther in releivinge them to the great encrease of their want and scarsitie, That therfore fully to prevent the like inconvenyencies hereafter some speedie course be taken to

enioyne them to goe better provided ~~here after~~ to Virginia since the published Declaration (though given to every man that went) did not seeme to haue effected itt, beinge by way of dyrecōn and advise and therfore there should be some meanes vsed to constrayne. This moçon was well approved & held to be verie waightie and important, butt the Court not conceivinge how such an Order could generally be observed in respect divers Ships sett outt some from the West partes others outt of Ireland, have referred itt to the consideraçon of a Cõmittee. (vizt)

m ^r Deputy.	m ^r Roberte.	m ^r Kirby.	m ^r Cuffe.
m ^r Bynge.	m ^r Procter.	m ^r Webb.	m ^r Rider.

Who are appoynted to meet at m^r Deputies to morrow being Thursday about 4: in the after noone to Consider what good order or pvision might be made therin and how itt might be putt in execution that such as goe in psonn or shall otherwise transport anie Passengers thither doe pvide and carry with them such a due proporcon of Victuall and other necessities as are pticularly sett downe in the printed Bill w^{ch} the Company haue heretofore published.

The Owners of the Abigall made request they might be paide the monneys due vnto them for freight accordinge to their Charter party in regard they were earnestly called vppon by the marriners to discharge their wages: Whervppon m^r Deputy informed the Court howe vnexpectedlie the Companies Designes had been frustrated and a great damage com vppon them, of payinge a great Sum of mony in regard that ther was not as hee vnderstood aboue 6000 waight of Tobacco returned wheras ther should haue been att the least 30000 by the Companies Contract att 3^d the pound: Whervppō the Company is to make vpp the rest W^{ch} although by y^e Generall letter the Gouvernor and Counsell doe promise [322] the next year to see paide and discharged and the Company reimbursed, yett itt came now most vnfortunately and greiuously.

As for the Demaunds of the Owners hee signified that they required as much as if the fforte had been builded pretendinge they were deteyned soe longe as if they should have been to doe itt.

The Court seeinge two questionns first what was due, Secondlie how itt should be sattisfied did appoynt the Comittees followinge together wth two of the Auditors to take the seuerall poynt^e into their Considera^on and to make report therof to the Preparatiue Courte that such course might be taken therin as may be agreeable to right and equitie.

The Owners of the Abigall further Acquainted the Court that wneras they vnderstood a great part of the beer, was bad and such as had likelie much endamaged the peoples health that, that Beer was bought of m^r Dupper, who had received of them a great price for itt: Wherefore as well for the Cleeringe of their Inocencie as allso for the iust sattisfac^on of the world they purposed to Complaine either to the Comissioners or the LL^s of the Counsell in cause the Company had not sufficient authorytie of themselvs to pceed against m^r Dupper desyringe y^t the Company would be pleased to take the matter into their serious Considera^on and to ioyne wth them as well for the preventinge of the like hereafter as allso that as the Company had the greatest pt in the Damage so they might iustly expect in the restitu^on: The Court conceivinge the matter very waightie and by no means to be passed ouer did referr itt to the Counsell to advise what course were fittest to be held and to pceed thereon accordinglie either before the LL^s: of the Counsell or the Comissionors.

M^r Deputie moved y^t wheras the Somer Iland^e Court att their last Court appoynted a Co^mittee to advise and consider about the manner of entringe the orders of Court^e (vizt) whether itt be necessarie to men^on their names that shall make any mo^on or proposi^on in Court.

Hee moved the like considera^on might be hadd touchinge y^e Orders of Court^e for this Company whervppon the Court recomended itt to the care of the former Comittee addinge some few others vnto them viz.

Ea: of Warwick.
Lo: Cauendish.
Lo: De Lawarr.
S^r Sam: Sandys.
S^r Io: Dauers.

S^r Lawrence Hide.
m^r Gibbes.
m^r Nicho: fferrar.
m^r Rider or any 4:

Who are desired to meet ~~abou~~ att m^r Deputies ||about it|| to morrow beinge Thursday aboute 5 in the Afternoone. [323]

And wheras itt was likewise informed y^t divers m^{rs} in Virginia doe much neglect and abuse their servant^e there with intollerable oppression and hard vsage the former Comittee are desyred to advise and consider of the best course they can how theise greevances and abuses may be redressed and reformed.

The widdow Smalleys petiçon was read and a draught of y^e Companies answe^r ther vnto w^{ch} the Court approved and by a generall erecōn of hands ordered to be deliuered to the Comissioners on Satterday next.

The Right Honōble the Lord De Lawarr signified y^t Cap^t Brewster haueinge by chance broken the Seale y^t was affixed to his acquittall from y^e vniust sentence of condempnation by Cap^t Argall in the Marshalls Court in Virginia and beinge to p^rsent the same to his Ma^{ty}: did make request itt might be sealled wth a new Seale W^{ch} request the Court takinge into consideration did rather thinke fitt to graunt him a Duplycate therof itt beinge vsuall (and denyed to no man) to take Duplycates of Patents vnder y^e great Seale of England.

Edward Downes peticoned that his sonne Richard Downes haueinge continued in Virginia these 4 years, ~~who~~ ||and|| beinge bred a scholler went ouer in hope of preferment in the Colledge there; might now be ~~sett~~ free to live there of himselfe ||and haue shares of land to plant vpon|| The Court conceivinge this ~~Court~~ §Suite§ to be verie reasonable haue recomended the graunt therof to the next Quarter Courte.

M^r Withers haueinge a share passed vnto him att the last Court & ||nowe againe|| ppounded (wherat no excepōn beinge taken) was admitted.

PREPARATIVE COURTE 23TH IUNI 1623.

PRESENT

Lo: Cauendish.
 S^r E^d: Sackvill.
 S^r Robert Killigrew.
 S^r Iohn Dauers.

m ^r Deputy.	m ^r Widdowes.	m ^r Copeland.	m ^r Baldwin.
m ^r Io: fferrar.	m ^r Iadwin.	m ^r Boothby.	m ^r ffotheringall.
m ^r T ^{ho} Sheppard.	m ^r Moorer.	m ^r Whitley.	m ^r Dey.
m ^r Barbor.	Cap ^t Bargraue.	m ^r Sheldon.	m ^r Robert ^e .
m ^r Withers.	m ^r Waller.	m ^r Ewens.	m ^r Cañinge.
m ^r Ro: Edwards.	m ^r Baynham.	m ^r Collett.	m ^r Webb.
m ^r More.	m ^r Barker.	m ^r Geo: Smith.	m ^r Meuerell.
m ^r Nicholls.			m ^r Sparrow.[324]

M^r Deputie acquainted the Company of some Court^e w^{ch} hadd not yett been read throught want of time and much buisines two of them beinge those w^{ch} himselfe was not present att and therfore desyred y^e Court^e diligent attendance if they should need any a mendment.

Whervvpon the Quarter Court held the 14th of May last was Read wherat no excep^ēon beinge taken itt was putt to the questionn and by a generall erec^ēon of hand^e approved to be rightlie sett downe.

Next was Read the Court held the 17th of May w^{ch} in like manner was by a generall erec^ēon of hand^e approved to be rightly sett downe.

Next the Court held the 24th of May was read and by a generall erec^ēon of hands approved to be rightly sett downe.

Lastly the Court held the 18 of Ivne was read and by a gennerall erec^ēon of hands approved to be rightlie sett downe.

The Comittee concerninge Passengers haveinge brought their opynions to this Court in writinge the same was read: Butt the Courte vppon further debate fyndinge many difficulties to arise aboute the execucon therof (wherin they desyred to be better sattisfied) haue recoꝑitted the same againe to the former Coꝑmittee addinge vnto them m^r Morer m^r Whitley and m^r Withers to take itt into farther consideracon to see if they cann ppose some feazible way how such a course may be taken as to cause all Passengers that goe to Virginia be well furnished wth Provisions accordinge to the published Declaration: The said Comittee are likewise to Consider how the abuses complayned of towardē servants in Virginia may be reformed.

S^r Edward Sackuill moved y^t the Earle of Southampton might haue his Quietus est for his three years Accomptē accordinge to order and as was ordered att the last Quarter Courte, his saide Accomptē for the two former years haveinge duly layen open in Courte audited and approved of wthout excepcon; And this latter years Accompt allsoe haveinge layen in y^e Coꝑmissioners hands for any man to pvse that will & noe excepcon taken therevnto.

Touchinge w^{ch} the Court beinge well sattisfied and conceivinge itt was most due and fitt his Lo^p: should haue his Quietus est ordered ther-vppon the same to be drawne vpp against the Quarter Courte. [325]

Itt was likewise moved y^t in regard m^r Deputy fferrars Accompt^t for y^e year past was presented att the last Court Audited and approved both by the Audito^{rs} and Comittees and beinge since that time deliuered vpp to his Ma^{ty}: Coꝑmissioners hath there layen open for any man that pleased to pvse And seeinge no excepcon hath been taken therevnto in all this time that therefore hee might allsoe haue his Quietus est accordinge to order and as was pꝑmised att the last Quarter Court, W^{ch} the Court accordingly graunted vnto him, orderinge the same to be drawne vpp againste the Quarter Courte.

M^r Deputy acquainted the Court that the Audito^{rs} and Comittee appoynted to treat wth the Owners of the Abigall had mett beinge assisted with divers others of the Company and especially by S^r Edward

Sackvill and haveinge taken into ||their|| Consideraçon the two point℄ referred vnto them by the last Court namely what was due to the said Owners, & Secondly how itt should be payd; Doe finde y^t by the Charter party theris Due vnto them for freight of goods outward belonginge to the Generall Comp^a: after the rate of 3^{li} p Tunn—~~16~~ 102^{li}: And they finde likewise by the plaine and express words of the Charter party the Company was bound to make their ffraight home-ward 400^{li} although the fforte were not built by them: W^{ch} the Compa: did adventure to doe vppon assurance of ladinge 30000: waight of Tobacco att 3^d p pound w^{ch} was never once doubted there could be any faylinge in, consideringe that divers Years heretofore the Colony hath vppon the Companies order laden farr greater quantities abound the Ships appoynted from hence:

Butt what by the Calamities of the year and what by the negligence and default of the people who brought not in the quantities of Sassaphras ||w^{ch}|| they were enioyned to doe, to haue therby made supply of y^e former defect the Ship was returned home with ~~out~~ ||only|| about 5000: waight of Sassaphras and betwixt 6: and seaven thousand waight of Tobacco w^{ch} att 3^d p pound would not com to aboue 80^{li} sterlinge: Soe y^t the freight would fall short of what the Comp^a was bound to pay them homeward 320^{li} or ther about℄ toward℄ all which ther was nothings sent butt a Small quantytie of Saxafras, And although by the generall letter the Gouverno^r and Counsell doe pmise & binde themselvs to make full sattisfacōn and reimburse this charge to the Company yett the Co^mittee did conceaue the Company not a little wronged in the not pformance therof especially consideringe the great quantitie w^{ch} was sent to Holland wherout they conceived there should haue been made a good allowance toward℄ the Defrayinge of this Charge.

Butt howsoeuer the Colony had broken wth the Company, y^e Company might not doe soe wth those wth whome they had contracted vnder their seall To whome there appeared due wthout contradiction or denyall 420^{li} presupposinge allwaies that the Tobacco returned home was but 6500: waight as the Purser had deliuered and offereth to maynteyne

by oath, ffor §if§ there shalbe found any more to be brought home the Owners are to receaue 3^d for every pound and so much is to be Deducted from the Companies Debt. [326]

As for the farther Demaund of the Owners of the Abigall who say y^t by the authority and power of the Gouvernor and Counsell in Virginia they were deteyned vntill the last day y^t they were bound to stay in case they had gone forward wth the Forte and thervppon Demaunded sattisfaccon of 160^{li}: p monneth accordinge as their Charter pty expresseth they should haue in case they were deteyned longer then Aprill: The Comittee conceaved that in case itt shalbe sufficiently proved that the said Ship and Marriners were deteyned as they p^ttended that then theris sattisfaction to be made them from the Colony accordingly as was Covenanted in the Charter pty: Butt in regard that the Marriners to whose benifitt the p^ttractinge of Voyadges cheifly conduceth are not sufficient wittness and y^t the Company haue no reason to thinke that the Gouverno^r & Counsell would soe vnadvisedlie deteyne a Ship of such charge to no purpose butt doe rather conceive that itt was the Marriners negligence or other default that kept them there so longe— They therfore thinke fitt to Referr this matter vnto examination in Virginia especially consideringe that the payment is to be raysed from them there.

The Court after much Dispute and Debate vppon those pointes in the end agreed and consented vnto the Report of y^e Comittees and their iudgment (vizt) that vppon the premises theris due vnto the Owners 420^{li}: And y^t if vppon examination in Virginia itt be found y^t they were deteyned longer then they ought to haue been by the Colony that then further sattisfaccon should be made them by the Colony pporconably to the time w^{ch} they were detayned more.

As for the payment of the Debt of 420^{li} w^{ch} appeared due itt was ordered that the Saxaphras should be sould by m^r Webb and m^r Cuffe and the pceed therof paid vnto the Owners in p^t of Discharge of this Debt and y^t the rest should be payd vnto them assoone as monneys came in and for their further sattisfaccon that they should haue such

securitie given vnto them as was vnto m^r Iohn fferrar, (vizt) y^t itt should be lawfull for them, to receaue such Debts Due vnto the Company as they could procure in till they were sattisfied and y^t after the Discharge of the Companies bond to m^r Iohn fferrar all such goods should be returned from Virginia belonginge to the Generall Company should be consigned vnto them for payment of what should be due vnto them.

Lastly itt was ordered y^t by the next dispatch into Virginia their should be letters addressed vnto the Colony in the Companies name requyringe sattisfacōn to be made this next yeare [327] of the former sume together wth all the rest of the charge the Company were att concerninge the fforte and y^t itt should be signified that the Comp^a: conceaue itt iust that those who ~~are~~ §for§ a greater advantage vnto themselves did send their Tobacco to Holland, should bear a large proporōn consideringe they vndergoe much less charges then they that sent theirs home.

The Owners of y^e Abigall earnestly moved that some speedy course might be taken against Dupper y^e Bruer for his bad condiōned Beer soe much complayned of: w^{ch} the Court takinge into Consideraōn itt was att length thought fitt that before they pceeded against him hee be first spoken wth all that they may know what answere hee cann make to this his charge W^{ch} Course beinge well approved the Court entreated m^r Deputy m^r Withers and m^r Widdowes to goe to m^r Dupper and talke wth him about itt and bringe his answer to the Quarter Courte y^t accordingly the Company may resolute how to pceed against him.

S^r Iohn Dauers signified that the Counsell haveinge taken into their consideraōn that although there be many worthy Cittizens of the Counsell, yett either through busines or otherwise they doe not give that diligent attendance as the Actions of the Plantaōns requires And since the Nobillytie and gentry are most of them absent in the Vacation when yett divers waighty and vrgent busisnesses happen The Counsell therfore in Supply therof haue thought fitt that fower should be Chosen of the Counsell such as their continuall lyvinge in Towne

doth pmise they wilbe verie carefull of the buisness w^{ch} they haue as pryvate members Dilligently followed and thervppon ppounded

m ^r George Scott,	} Cittizens
m ^r Iohn Bland	
m ^r Tho: Whitley	
m ^r Berblock gent	

Whervppon itt was by erec^con of hands ordered y^t they should be reco^mended to the Quarter Courte to be chosen of his Ma^{ts}: Counsell.

A mo^con was made in the behalfe of Cap^t Bargraue that aswell in regaurd of his longe attendance and sufficiencie as allso for that hee had spent a good pt of his estate to advance the Planta^con in Virginia hee might therefore haue that favour afforded him as to succeed S^r William Nuce de^cased in the place of Marshall of Virginia, w^{ch} mo^con and request the Courte thought fitt to referr to the further Considera^con of the Counsell.

M^r Deputy acquainted the Court that hee hadd receaued from his Ma^{ts}: Comissioners a Peti^con of m^r Wrotes concerninge his standinge bound for the Companies sute against Wye: w^{ch} beinge read m^r Deputy acquainted the Court wth the State of the buisines how that ther was liberty for a yeare and a day to sue out the Appeall that itt was ~~theretofore~~ ||hitherto|| Deferred in reguard that Wye himselfe is absent and the five Suerties [328] that hee putt in, all come behinde hand, soe y^t as itt would be a certaine charge to sue out the Appeale soe itt could be to no purpose y^e ptie beinge absent: Wherfore since ther was yett 6 monneths time to doe itt in, the Advocates and Proctor did advise y^e Company not to sturr therin butt to expect Wyes returne w^{ch} if itt did not happen duringe that terme they were of opynion that vppō soe iust ground the benifitt of the Appeale could not be taken from the Company.

Last of all hee said that their opinion was that howsoever itt should happen that no Damadge could arise aboue 20 nobles att y^e moste for the Iudge had onely dismissed the sute without any damadge saveinge

the charges w^{ch} hee reserved to himselfe, to tax his answere the Courte ordered shall be drawne vpp and p̄sented to the Comissioners and wthall y^t itt should be signified that ther on m^r Bearblock y^t stood bound §together§ wth him, and that there should be sufficient provision made to save them harmeless.

Vppon mo^{on} order was given for drawinge vpp two Patents the one for m^r Iohn Zouch and his Associates the other for m^r Iohn Prynn of London Marchant.

Vppon the like mo^{on} order was given for Drawinge vpp a Comission for the Trueloue of 50 Tunn wherof Iames Carter is ordeyned m^r for Transporta^{on} of Passengers to Virginia and after for a fishinge Voyadge.

AT A QUARTER COURT HELD FOR VIRGINIA
THE 25TH OF IUNE 1623

PRESENT

Right Hono^{ble}:¹

Lo Cauendish.

S^r Io: Dāuers.

Lo: D: Lawarr.

S^r Io: Ogle.

S^r Edw: Sackuill.

S^r Edwin Sandys Iun^r

S^r Sam: Sandys.

S^r ffrancis Leigh.

S^r Rob: Killigrew.

S^r Walter Earle.

m^r Deputy.

m^r Boothby.

m^r Rider.

m^r Io Smith.

m^r Withers.

m^r Robert℄.

m^r Gibbs.

m^r Meuerell.

m^r Sharrowe.

¹A draft of this court is among the Ferrar Papers, and is probably a part of the original court book. The two are identical in meaning and form of entry. The copy varies in orthography and capitalization only, with a few exceptions. See List of Records, No. 526, Vol. I, page 177, *ante*. The handwriting changes at the beginning of this court to that of an unidentified copyist, referred to above as the sixth copyist.

m ^r Binge.	m ^r Widdowes.	m ^r Rob: Edward ~~e~~ .
m ^r Tomkins.	m ^r Tho Shippard.	m ^r Downes.
m ^r White.	m ^r Moorer. ²	m ^r Newport.
m ^r Io: ffarrar.	m ^r Nicholls.	m ^r Swinhowe.
m ^r Winkefeild.	m ^r Couell.	m ^r Sheldon.
m ^r Paulavicine.	m ^r Leuer.	m ^r Smith.
m ^r Barbo ^r .	m ^r Steward.	m ^r Woodall.
m ^r Geo: Scott.	m ^r Viner.	m ^r Tatam.
	m ^r Bull.	m ^r Edw: Waterhowse.
m ^r Fothergill.		m ^r Dennis.
m ^r Palmer.		m ^r Ewens.
m ^r Proctor.		m ^r Hackett.
m ^r Moorer.		m ^r Kerby.
m ^r Barkley.		m ^r Webbe.
m ^r Collett.		m ^r Cuffe.
Capt: Bargraue.		m ^r Ley.
m ^r Trueloue.		m ^r Witherall.
m ^r Copland.		m ^r Moorewood.
m ^r Baldwin.		m ^r Arthur Swaine.
m ^r Biddolph.		

M^r Deputy acquainted the Court that he had receaued a Letter from his Ma^{tie} sent vnto him by a Servaunt of m^r Secretary Caluerts ||and directed|| to the Treasurer Counsell and Companie for Virginia with w^{ch} ĩre hauinge acquainted the Counsell for Virginia they thought fitt it should be first read before they proceeded to any other buissines: wherevpon the ĩre was opened and read the Coppie whereof doth here ensue. [329]

James R.~

Right Trustie and welbeloued: Wee greet you well: forasmuch as wee haue appointed a Comission to examine the present estate of the Virginia Plantation with sundrie other things and matters appertayninge therevnto and that wee expect within these fewe dayes to haue some Accompt made vs of their laboures in that

² Written over the word "Moorewood."

service: Vnderstandinge that to morrowe beinge the 25th of this moneth; yo^u intend to hold a Court for the said Company: Our will and pleasure is that you do forbear the elec^{ti}on of any Officers vntill to morrowe fortnight at the soonest, but to let those that be already remayne as they are, in the meane time Giuen at our Court at Greenwich the fower & Twentith day of Iune in the one & twentieth yeare of our Raigne of great Brittain France and Ireland.

||Directed To y^e right trusty and welbeloued the T^rer Counsell and Company of virginia||¹

W^{ch} Letter beinge read after a longe and generall silence in the Court, it was at length taken into considera^{ti}on, whither by the Kings Letters Patents the Companie had power to make their elec^{ti}on in any other but a Quarter Court: Wherevpon the Patent beinge perused and that pointe therein duly waighed and examined: It plainly appeared by the verie expresse words of the Patent that the choise of Counsellors and Officers were restrained and lymited to Quarter Court onely and that although it were without negatiue or exclusiue word, yet it was conceaued it was imployed in the verie sense thereof in regard there is sett downe perticularly what shalbe donne in Inferiour Court and what in Quarter Court: w^{ch} manner of distin^{cti}on was conceaued could amount to no lesse then a plaine exclusiue: And it was further added that the Custome and vsage of the Companie in their yearely elec^{ti}ons haue bin suitable therevnto havinge alwayes chosen their Officers in Quarter Court onely and not in other Court.²

And it was further taken into considera^{ti}on that whereas by the last Quarter Court the Treasurer, Deputie, and other Officers of this Companie were to continue in their places but vntill this present Court whereby after this Day if they should not be continued by order of this Court, the Gouverment would become voide and the Companie destitute of Officers to followe and keepe Court and the Patent also forfeited: It was therefore held fitt, the old Officers should be still continued vntill a newe choise were made.

¹ A copy of this letter is in the Public Record Office, Manchester Papers, No. 380. The manuscript is similar to one of the copyists of the Court Book. See List of Records, No. 525, Vol. I, page 177, *ante*.

² This phrase reads in the draft among the Ferrar Papers as follows: "and in noe other courts."

The Court havinge thus declared their opinion and diuers beinge desirous that it might be put to the question, the Secretary was caused by the Court first to sett the question downe in writinge w^{ch} was dictated vnto him in manner followinge vizt.

The Companie of Virginia in obedience to his Ma^{ties} Letter do this day forbearre their election, and do continue all their Officers till their next Quarter Court, his Ma^{ties} havinge giuen them power by his Letters Patents to make election in Quarter Courtes only: W^{ch} beinge read and ||so|| put to the question the whole Court with one generall and vnanimous consent agreed therevnto noe one dissentinge.

S^r Samuell Sandys acquainted the Court that he had receaued a Letter from S^r ffrauncis Wyatt (the present Gouvernor) wherein he made request, that he would moue the Companie that aswell in reguard of his great losse since he went to Virginia (beinge out of his estate well neare 1000^{li}) as also in discharge of their owne promise to him (that he should haue his iust number of men belonginge to his office as Gouvernor) that accordingly therevnto they would please to supplie him very speedily beinge not able otherwise well to subsist w^{ch} mo^oon and request the Court thought fitt to referre to the considera^on of the Counsell.

The Preparatiue Court was nowe read and by a generall erec^on of hand^e approued to be rightly sett downe. [330]

Next the matters propounded in the said Court were againe moued and passed in manner followinge

ffirst the Earle of Southamptons Quietus est for his three yeares Accompt^e audited and approued of, extendinge from 28th of ~~January~~ ||Iune 1620|| vtill 25th Iunij 1623 beinge ordered at the last Quarter Court as also in the last Preparatiue Court ||to be drawne vp and brought to this Court|| the same was accordinglie donne and nowe presented the Coppie whereof doth here ensue.

The Treasurer and Companies of Aduenturers and Planters of the City of London for the first Colonie in Virginia to all vnto whome

theis presents shall come greetinge, whereas the Right Hono^{ble} Henry Ea: of Southampton Treasurer of the said Companie hath by three seuerall Book℥ of accompt℥ of his office of Treasurer of the said Companie extendinge from the eight and Twentith Day of Iune—1623¹ exhibited vnto the Court℥ of the said Treasurer and Companie a true and perfect Account of all moneys by him receaued for the vse of the said Companie or of the Colledge intended to be founded in Virginia duringe the time of his Office as aforesaid: In w^{ch} Accompt℥ he hath also perticulerly declared howe the said moneys haue bin disbursed and expended for the vse of the said Companie and Colledge by lawfull warrant℥ with Receipt℥ endorsed or subscribed, w^{ch} Account℥ accordinge to the orders of the said Companie haue bin duely examined audited and approued by the Auditors of the said Companie as appeareth vnder their hand℥ and afterward the said seuerall Book℥ of Account℥ haue layne openly on the Table in the Court℥ of the said Treasurer and Companie duringe the times in the said Companies order appointed and no exception hath bin taken to them The said Treasurer and Companie therefore accordinge to their orders in that case established haue for them and their Successors acquitted & discharged and by theis present℥ do for euer acquitt and discharge the said Henry Ea: of Southampton his heires executors and Administrato^{rs} of and from all further Accompt℥ by him to be tendred for the same and of and from all Ac^cions Suits and Demaunds for or by reason of the moneyes or Account℥ aforesaid In wittnes whereof the said Treasurer and Companie haue hereto caused their legall Seale to be affixed: Giuen in a great and generall Quarter Court of the said Treasurer and Companie held the fife and Twentith day of Iune 1623 And in the yeares of the Raigne of our Sou^{er}aigne Lord Iames by the grace of God Kinge of England Scotland ffraunce and Ireland Defendor of the faith C^r vizt of England ffraunce and Ireland the one and Twentith and of Scotland the six and fiftith.

W^{ch} beinge read and approued the Court ordered by a generall erec^con of hand℥ should be sealed.

¹ Error for 1620.

Next m^r ||Deputies|| ffarrars Quietus est for ||this|| his yeares Account extendinge from May 1622 till the 25th Iun: i623 beinge vpon like order Drawne vp and brought vnto the Court was read approued and ordered to be sealed. The Coppie wherof ensueth¹

The Treasurer and Company of Aduenturers and Planters of the City of London for the first Colony in Virginia to all vnto whome these present^l shall come greetinge: Wheras Nicholas fferrar Deputy Treasurer of the said Company hath by one Booke of Accompt of his Office of Deputishipp of the said Company extendinge from the² day of May 1622 till the 25th daie of Ivne 1623 exhibited vnto y^e Court^l of y^e [331] said Th^rer and Comp^a: a true and pfect Acc^o of all monneys by him receaved for y^e vse of the said Company; In w^{ch} accompt hee hath allso pticularly declared how the said monneys haue been disbursed and expended for the vse of y^e said Company by lawfull warrants wth Receipts endored or subscribed or otherwise W^{ch} Accompt^l accordinge to the Orders of the said Company haue been dulle examined Audited and approved by the Auditor^s of the said Company as appeareth vnder their hands, and afterward the said Booke of Accompt haue layne openly on the Table in the Court^l of y^e said Treasurer and Company duringe the time in y^e said Companies Orders appoynted and noe excep^{co}n hath been taken to itt. The said Th^rer and Company therfore accordinge to their Orders in that case established haue for them and their Successo^{rs} acquitted and discharged and by these p^{nt}s doe for ever acquitt and discharge the said Nicholas fferrar his heirs executo^{rs} and Administrato^{rs} of and from all and everie the said Monneys by him received and of and from all further Accompt^l by him to be rendred for the same. And of and from all Ac^{co}ns Suites and Demaunds for or by reason of the monneys or Accompt^t aforesaid; In wittness wherof the said Thresuror and Company haue hereto caused their Legall Seale to be affixed. Given in a great and Generall Quarter Court of y^e said Th^rer & Company held the five and twentieth day of Ivne 1623. And in the years of the Raigne of our Sovereigne Lord Iames by the grace of God Kinge

¹ The following "quietus est" is in the autograph of Thomas Collett (?).

² A blank space in manuscript.

VIII. Writing of Thomas Collett (?) and Edward Collingwood

Being page 331 of Volume II of the original MS.

of England Scotland ffraunce and Ireland defendour of y^e fayth C^r
vizt of England ffraunce and Ireland the one and Twentieth and of
Scotland the six and ffiftieth.

Teste Edward Collingwood Sec^r

Lastly the Companies Security to the owners of the Abigall for pay-
ment of 420^{li} vpon the grounds and reasons expressed in the Prepara-
tiue Court beside that w^{ch} shalbe proued to be further due vnto them
beinge then also ordered to be Drawne vp was nowe read the Coppie
whereof doth here ensue.¹

Whereas it appeares by the Reporte of the Auditors and Comittees
and is accordingly agreed by the Companie in a generall Court held
the three and twentieth of Iune 1623. that there is due to the owners
of the Abigall the Summe of 420^{li} vpon the grounds and reasons there
expressed, beside that w^{ch} shalbe further due vnto them in case it
shalbe sufficiently proued to the Companie that the said Shipp was
deteyned longer then it ought to haue been by the authority and
comaund of the Gouvernor and Counsell of Virginia: Nowe for satis-
fyinge of the said Summe, it is in this great and generall Quarter Court
ordered and agreed that the Sassaphras nowe returned shalbe sold by
William Webb and Iohn Cuffe, and the proceed thereof paid vnto Iohn
Bland Iohn Newman Robert Watson and Richard Perry owners of
the Abigall or their Assignees in pte of satisfaction of the said Debt.
And further it is agreed and ordered that the said owners shalbe paid
the remaynder of the said Summe out of such moneys as shall first come
in after the discharge of the moneys due to Iohn and Nicholas Farrar.
And for the further Security of the said owners and for the payment
and satisfaction of the said Somme of fower hundred and twenty
pounde: It is agreed and ordered that after the said Iohn and Nich-
olas Farrar be fully satisfied, all such goods and comodities as shalbe
returned from Virginia belonging to the generall Bodie of the Com-
panie shalbe from tyme to tyme consigned and deliuered into the
hande of the said Iohn Bland Iohn Newman Robert Wadson and
Richard Perry or their Assignes to be by them sold and disposed of

¹ The following security appears to be in the autograph of Edward Collingwood.

vntill the said Summe of 420^{li} shalbe fully paid and discharged together wth all the Interest and damages that shall arise thereby. And for the further Security of the said owners it is likewise further ordered and agreed that it shalbe lawfull for the said owners to receaue and take to their vse all such Moneys and debt^e as are and shalbe due vnto the Companie from any whomsoeuer and w^{ch} the said owners can procure vntill such tyme as they be fully satisfied and discharged of the said Summe of 420^{li}. And it is ordered and agreed that the Acquittances and Releases of the said Iohn Bland Iohn Newman Robert Wadson and Richard Perry shalbe a sufficient discharge vnto those as shall pay them any Moneys vntill the aforesaid debt^e be fully satisfied and discharged. And in confirmacon of the pmisses the Company for Virginia beinge assembled in a great and generall Quarter Court held for Virginia the fyue and twentieth Day of Iune 1623. haue herevnto caused their legall Seale to be affixed.

Teste Edw: Collingwood Secrē. [332]

S^r Iohn Dāuers mouinge the Court in the behalfe of m^{rs} Nuice late wife of Deputy Nuice deceased in Virginia touchinge his request vnto the Companie As also in the behalfe of a gentleman that had taken much paines in expediting those Letters w^{ch} it pleased the Lord Keeper to write for the Companie (as they desired) it beinge also formerly ordered some ||Reward|| should be giuen him; The Court thought fitt to referr both request^e to the farther consideracon of the Counsell at their next meetinge.

In regard of the often waightie and vrgent occasions of callinge Court^e in the longe vacacon, when comonly most gentlemen do withdrawe themselues into the Country (whereby it falls out oftentimes that a sufficient number of the Counsell cannot be had in Towne to make a Court to the great preiudice of the Companies buissinneses then hapeninge and requiringe consultacon and present resolucon) to supplie w^{ch} Defect the Counsell havinge recomended to the last Court fower able gentlemen whereof three were Cittizens who by reason of their continuall livinge in Towne and neare dwellinge to the place where the Court^e are kept It may be presumed they will §be ready to§ afford

their attendance as there shalbe occasion, and be carefull of y^e Companies buisnesses w^{ch} as priuate Members they haue so diligently followed the names of w^{ch} gentlemen were these vizt.

m ^r Scot	m ^r Wheatley
m ^r Bland	m ^r Berblocke

who beinge put to the question were by a generall erec^on of hands chosen of the Counsell, and the rather in regard there might fall out some vrgent occasions requiringe their attendance and seruice in this longe vaca^on: It was likewise moued and thought fitt they should repaire to the Lord Chamberlen to take the oath of a Counsellor.

These Patents followinge beinge formerly ordered to be drawne vp and this afternoone examined by a Comittee before the Court began (who comparinge them found them agreeable to former President^e) were nowe put to the question and ordered to be sealed vizt:

A Patent to m^r Io: Zouch.

A Patent to m^r Edward Prinn.

To m^r Clement Dilke.

To m^r Iohn Procter each of them vndertakinge to transport one hundred psons with sufficient prouisions and necessaries for the cultivatinge of their owne land^e.

Richard Andrewes and Erasmus Snellinge Cittizens of London petitioninge for leaue that Iohn Procter might be allowed their Atturney to receaue $\S$ a $\S$ recompence of one Hugh Crowder in Virginia beinge of good estate in satisfac^on of 21^{li} they haue paid for him vpon Bond to one Robert Broakbancke of London Butcher: The Court hath graunted their request^e and ordered that the Gouvernor should be entreated to assist m^r Procter herein as there shalbe occasion, that the Petitioners may be releiued accordinge to equity.

AT A COURT HELD ON TUISDAY IN THE
FORENOONE THE FIRST OF IULY i623

PRESENT.

S ^r Edw: Sackuill.	S ^r Walter Earle.
S ^r Iohn Dāuers.	S ^r Tho: Wroth.
S ^r Iohn Ogle.	S ^r Sam: Argall.
S ^r Nath: Rich.	

m ^r Nicho: ffarrar Deputy.		Capt: Bargaue.
m ^r White.	m ^r Paulavicine.	m ^r Steward.
m ^r Tomlins.	m ^r Io: ffarrar.	m ^r Meuerell.
m ^r Winckfeild.	m ^r Garrett.	m ^r Moorewood.
m ^r Gibbs.	m ^r Barbo ^r .	m ^r Ditchfield.
m ^r Binge.	m ^r Berblocke.	m ^r Downes.
m ^r Woodnett.	m ^r Edw: Waterhowse.	m ^r Hackett.
		m ^r Tobias ffelgate.

m ^r Woodall.	m ^r Witherall.	m ^r Tatam.	m ^r Rolfe.
m ^r Sheldon.	m ^r Couell.	m ^r Dike.	m ^r Webbe.
m ^r Geo: Smith.	m ^r Newport.	m ^r Ewens.	m ^r Widdowes.
m ^r Withers.	m ^r Rider.	m ^r ffelgate.	m ^r Budge.
m ^r Kirby.	m ^r Procter.	m ^r Carles.	m ^r Scott.
m ^r Nicholls.	m ^r Copland.	m ^r Cuffe.	w th others.
m ^r Shippard.	m ^r Moore.	m ^r Ley.	
m ^r Rayner.	m ^r Viner.	m ^r Barker.	[333]

M^r Deputy acquainted the Court that havinge receaued a Lre from one m^r Peasely (a Servaunt of m^r Secretary Caluerts) signifyinge in his M^r name that he with some fewe others was to attend the lordē on the Monday followinge at Whitehall; Accordingly he there attended their Lp^s before whome beinge admitted their Lp^s signified that they had bin informed by the priuate Letters that came by the last Shippis

from Virginia that his Ma^{ties} Subjects there were in a verie great want and like to be starued; An Abstract of w^{ch} Letters the Comissioners had presented vnto them, w^{ch} they caused to be read at the Bourd, wth w^{ch} informaçon their llp^s said, they were satisfied so farr as that they did belieue the Colony to be in great extreamity, and therevpon coñ-
aunded a Court to be called as this day, and the Companie to be made acquainted wth the report of the said Letters (by readinge the abstract vnto them,) whereby havinge informed themselues of the miserable estate of the Colonie, they may consider howe to send a present supplie vnto them and hereof to bringe their Aunswere this Afternoone.

The Court herevpon caused the said Abstract to be read: w^{ch} donne the Companie entred into a serious consultaçon howe to raise a Supplie, to w^{ch} purpose although diuers proposiçons were made, yet none of them could be resolved on, in regard of the shortnes of the time they had nowe to consider of it; wherefore it was generally agreed in the end, that this Aunswere followinge should for the present be returned to their Lp^s.

The humble Answere of the Virginia Companie beinge assembled in a generall Court held the j^o Iuly 1623 to the right Hono^{ble}: the Lordē of his Ma^{ties} most Hono^{ble}: Priuy Counsell.¹

The Companie havinge taken ||into consideraçon|| yo^r Lo^{ps} Coñmaund of speedie sendinge supplies of victuall and prouisions to Virginia doe finde not onely diuers Hundredē wilbe supplied by their perticuler Aduenturers but also sundrie perticuler persons from their frendē.

And for the generall supplie they haue had proposiçon of vnderwritinge a large Magazine, but many Difficulties arisinge herein, they were not able to come to any finall conclusion this day (the Court beinge very thinn through the shortnes of the warninge) and do therefore humbly desire respitt vntill friday next to consider and aduise thereof that a large and full Court may be assembled and the rest of the Aduenturers acquainted therewith.

¹ A copy of this document is in the Public Record Office, State Papers, Colonial, Vol. II, No. 34. See List of Records, No. 530, Vol. I, page 177, *ante*.

But whereas there are diuers persons indebted to the Companie vpon subscriptions, w^{ch} moneyes are longe due and amount to a verie great So^me; if it might please yo^r Lo^{ps} that some speedy course might be taken to cause those that are so indebted to pay their said So^mes: there would be a verie valuable So^me raised aswell for the present as future occasions w^{ch} they humbly submitt to yo^r Lo^{ps} most honorable considera^çon. [334]

AT A COURT HELD FOR VIRGINIA ON ffriday
IN THE FORENOONE THE 4^o IULY i623¹

PRESENT.

Ea: of Dorsett.	S ^r Rob: Killigrew.
Lo: Cauendish.	S ^r ffranc: Leigh.
S ^r Edw: Sackuill.	S ^r Sam: Argall.

m ^r Tomlins.	m ^r Edwards.	m ^r Leuer.
m ^r Nicho: ffarrar deputy .	m ^r Boothby.	m ^r Scott.
m ^r White.	m ^r Hobbs.	m ^r Sherowe.
m ^r Copland.	m ^r Sheldon.	m ^r Collett.
m ^r Withers.	m ^r Rider.	m ^r Swinhowe.
m ^r Io: Smith.	m ^r Moore.	m ^r Mullins.
m ^r Caswell.	m ^r Moor.	m ^r Stone.
m ^r Paulavicine.	m ^r Caswell.	m ^r Procter.
m ^r Barbo ^r .		

m^r Cuffe.
m^r Baldwin.
m^r Webbe.
m^r Percy.
m^r Ley.
m^r ffothergill.
m^r Geo: Smith.
m^r Hackett.
m^r Moorewood.
m^r Downes.

¹ The original (?) of this court is among the Ferrar papers, in the handwriting of the sixth copyist. The list of names is omitted. See List of Records, No. 539, Vol. I, page 179, *ante*.

M^r Deputy signified that accordinge to the order of the last Court he presented to the Lord^e of his Ma^{ty} Priuy Counsell the Companies Aunswere touchinge their Lo^{ps} co^mmaund for a present supplie to be sent to Virginia, but their Lo^{ps} seemed not to be well satisfied therewth but required the Companies present resolu^{con} what course they could propound for the speedy releiuinge of the Colonie w^{ch} they conceaued to be at this time in a verie great want and extreamity: And therefore willed them to consider of it and to bring their Aunswere as this day accordinge to their Lo^{ps} co^mmaund

M^r Deputie said the Companie had considered of it at the last Court propoundinge two wayes w^{ch} seemed verie feazeable for raisinge of a present supplie namely by sendinge of a Magazine for releyvinge the Companies Tenant^e and secondly by meanes of such voluntarie supplies as perticuler Societies and priuate Aduenturers would send to their owne people: To w^{ch} end he said there were two seuerall Rolles Drawne vp w^{ch} were nowe presented in Court: wherevnto for asmuch as it appeared that diuers had already vnderwritten good So^mes, it moued others by their good example to vnderwrite freely and liberally.

Their was likewise presented a Third Roll in open Court for the other side w^{ch} opposed the Companie to vnderwrite whome S^r Edward Sackuill earnestly moued they would do somethinge toward^e this generall Supply intended in regard they knowe so well the State of the Colony to be such as they had great need of it and had also much pressed before the Lord^e that a Supplie might be sent.

M^r Caswell beinge proposed for Treasurer for the Magazine was by a generall erec^{con} of hand^e chosen and appointed therevnto accordingly.

It was likewise vpon mo^{con} agreed and ordered by erec^{con} of hand^e that accordinge to those head^e nowe propounded by the Lo: Cauendish the Counsell should be entreated to drawe vp a short Declara^{con} to be presented to the Lord^e of y^e Counsell to shewe that the fault of this supposed want in the Colony is not to be imputed to the present Gouverment of the Companie here. [335]

AT A COURTE HELDE FOR VIRGINIA ON WEDNESDAY
IN THE AFTERNOONE THE 9 OF
IULY 1623.¹

PRESENT

Lord Lawar.
S^r Edward Sackvill.
S^r Ihon Dauers.

m ^r Carew Rawleigh.	m ^r Byng.	m ^r Roberts.
m ^r Deputy.	m ^r Capt Harvy.	m ^r Leauer.
m ^r White.	m ^r Pallavacyne.	m ^r Hurd.
m ^r Tomlyns.	m ^r Nichols.	m ^r Woodall.
m ^r Ihon Farrar.	m ^r Withers.	m ^r Hobbs.
m ^r Ghibbs.	m ^r Caswell.	m ^r Delawne Iun.
m ^r Wrott.	m ^r Iadwyn.	m ^r George Smith.
m ^r Shephard.	m ^r Meverill.	m ^r Hackett.
	m ^r Wheately.	m ^r Procter.
		m ^r Rolfe.
		m ^r Webb.
m ^r Sheldon.		m ^r Ayscough.
m ^r Newport.		m ^r Ewens.
m ^r Edward Waterhouse.		m ^r Ryder.
m ^r Barkly.		m ^r Moore.
m ^r Rolfe.		m ^r Woodnett.
m ^r Barkely.		W th diuers other.
m ^r Fotheringill.		
m ^r Collett.		
m ^r Stewarde.		
m ^r Sharrow.		
m ^r Vyner.		

¹The handwriting changes with this court to that of Nicholas Ferrar. The original (?) of this court is among the Ferrar papers, in the handwriting of the sixth copyist. See List of Records, No. 541, Vol. II, page 179, *ante*.

Mr Deputy acquainted the Compagny y^t according to the direction of the last courte hee presented to the Lords of his Ma^{ty} Priuy Counsell a shorte declaration y^t was then ordered to bee drawen upp wherein amongst other things was signifide of the Compagnys intent to sende a speedy suply to Virginia according to there Lordps commaund and y^t by two ways namely by way of a Magazine and secondly by meanes of those¹ suplies y^t would bee sent by private Adventurers to there owne people in Virg: to w^{ch} purpose a greate sum^m was already under-written in each Roll. But ther Ldps conceaued that this would not bee sufficient unless the whole Compagny bee ordered to contribute there parts towards the raysing of a stock according to the number of each mans shares by rating them at 20^s—or at least at x^s—p share And that by order of the loards to bee compelled to pay the same notwth-standing uppon farther weighing of those reasons then deliuered agaynst this Course there Lorps were pleased in fyne to leaue it to the Compagny to order the same by a generall Consent not doubting but they y^t had soe well begunn would farther proceed to the raysing of a sufficient suply.

The Courte taking this into there Consideration after mature debate it was at lenght moued and thought fitt that there should bee seuerall Rolls made to the intent that the Adventurers might chuse there owne Tresurors wthout w^{ch} liberty men would not Adventure wher-uppon it was ordered that the Officer should carry the Roll to such Adventurers as are in towne and in the Compagnys name to sollicite them both for the weightiness of the present occasion and likewyse for the satisfaction of his Ma^{ty} and the Lods to underwrite liberally.

Vpon Captayne Haruys motion and request for a Commission for his shipp the Southhampton y^t is to carry passengers and goods to Virginia order was giuen for drawing vpp his Commission for his sayde shipp and to seale the same.

¹ Written over the word "the" by the reviewer.

AT A COURTE HELDE FOR VIRGINIA ON
WEDNESDAY THE 6 OF AUGUST 1623
IN THE AFTERNOONE

PRESENT

S ^r Ihon Dauers.	m ^r Barbor.	m ^r Ed. Bennett.
m ^r N. Farrar Depty.	m ^r Blande.	m ^r Caswell.
m ^r Ghibbs.	m ^r Palmer.	m ^r Barker.
m ^r Ihon Farrar.	m ^r Widdows.	m ^r Waterhouse.
m ^r Bing.	m ^r Withers.	m ^r Hobs.
m ^r Pallavacyne.	m ^r Freake.	m ^r Leigh.
		m ^r Procter.

m ^r Norwood.	m ^r Moorewood.
Capt. Baldwyn.	m ^r Sharrow.
m ^r Hackett.	m ^r Trulove.
m ^r Bull.	m ^r Vyner.
m ^r Georg Smith.	Capt. Smith.
Capt Bargraue.	m ^r Meverill.
m ^r Ryder.	m ^r Kirby.
m ^r Cuff.	W th diuers others. [336]

Forsoemuch as there had beene some Intermission of Courts since the 9th of Iuly last m^r Deputy acquaynted the Compagny wth the cause therof as hauing hapened¹ partly through the frequent keepinge of the Sommer Iland^e Court^e for the Dispatch of the Gouvernor and other Officers nowe goeing to the Sum^eer Iland^e and partly for that no buissines of importance fell out in that time that might necessarily occasion the callinge of a Court:

This beinge signified he caused to be read diuers petiçons presented some of them at this Court and some formerly w^{ch} beinge read and considered of by the Court they were appointed to be recomended

¹ At this point the handwriting returns to that of the sixth copyist.

and ordered as may appeare by their seuerall orders vpon each petiçon engrossed ||together|| in a booke for that purpose ||appointed|| to be kept.

A moçon was made for the release of one Grigory Dorey nowe a Servaunt to the Companie in Virginia for that (§as§ it is informed) he beinge by chaunce present at the departure of a Shippe from Grauesend to Virginia was there taken into the said Shippe and so sodainely carried away to Virginia against his will: The Court beinge desirous to vnderstand farther of the trueth hereof thought fitt the said Dorey should make his case knowne by petiçon to the Gouvernor of Virginia and vpon certificate returned the Companie would Do him all right wth fauo^r.

M^r Deputie vpon request moued the Court that Coñmissions might be graunted to these seuerall Shipps nowe preparinge to goe for Virginia.

To the George for transportinge of Passengers onely.

To the Hopewell whereof Iohn Hart Maister

To the Iacob

To the Marmaduke

To the Hopewell whereof Iohn Prynn owner and M^r

The Court ordered the said Coñmissions to be drawne vp, ||and sealed|| and also desired and authorized m^r Deputy ||and the Secretarie|| to Drawe and Seale Comissions for any other Shipps that should Desire to goe to Virginia between this and the next sittinge of the Courtē in Michalmas Terme.

M^r Deputy moued that in regard most gentlemen and Cittizens do vsually repaire into the Country at this time of the yeare, whereby but fewe of the Counsell or Companie would be in Towne that therefore after the buissines in hand were ended the keepinge of Courtē might be put of and respited till the next Terme w^{ch} moçon was generally agreed vnto and ordered accordingly wth reseruaçon neuertheles that in the meane while it should be free for the Deputie to call extraordinary Courtē if any vrgent occasion did require soe. [337]

S^r Iohn Dāuers acquainted the Court that he had receaved from M^{rs} Nuice the late wife of Deputy Nuice deceased in Virginia wherein shee requested that the Companie in tender regard of her great losse by the late Death of her said Husband (beinge nowe left Desolate and comfortles in a straunge Country farr from all her frend^e) they therefore would please to graunt her that fauo^r that shee might still enioy the moytie of those Tenant^e labo^{rs} that belonge to her Husband^e place w^{ch} if he had liued had of right bin Due vnto him vntill such time as they shall Dispose of the said place: m^r Deputie also signified that m^r Pountys in his letter to him comendinge much the Gentlewomans good carriage and charity to diuers in that Countrie, did wth much earnestnes desire the same fauo^r of the Companie in her behalfe: Wherevpon the Court takinge it into their considera^{co}n conceaued her request to be verie reasonable and did therefore generally agree it should accordingly be remembred in the generall letter to the Counsell there.

W^{ch} beinge inserted therein the said Ire was read and beinge approued was ordered to be signed by m^r Deputy and wittnessed by the Secretary in the name of the Companie and so sent by the Hopewell nowe ready to Depart for Virginia.¹

Whereas Diuers Propositions were nowe made in Court for the settinge of some certaine price vpon Corne in Virginia whereby to encourage the Planters to plant Corne there in aboundance ~~and~~ after all reasons heard and Debated and the greatest Difficultie that appeared beinge howe to assure the Planters (in case they should haue store of Corne) that the same should be taken of their hands at a sett price: The Court differinge much in opinion about this matter did at length agree to referr it to a Co^mittee to consider further thereof and therevpon nominated

m^r Scott
m^r Withers
m^r Barbo^r
m^r Bland
m^r Robert^e

m^r Procter
m^r Caswell
m^r Widdowes
m^r Rider
m^r Stephens

¹ This letter is referred to in List of Records, No. 554, Vol. I, page 180, *ante*.

IX. Writing of the Sixth Copyist (not identified)

Being page 337 of Volume II of the original MS.

W. S. brings in the same paper as said he had read and brings approved and ordered to be signed by Mr. Deputy and attested by the Secretary in the name of the Company and so sent by the Hopewell mail ready to depart for Virginia.

Mr. South
 Mr. Wicks
 Mr. Butler
 Mr. Bland
 Mr. Roberts
 Mr. Brown
 Mr. Caswell
 Mr. Widdomit
 Mr. Fisher
 Mr. Stephens

At a Court held for Virginia on Wednesday in the Afternoon the
 15 of Feb: 1623 ^{present} ^{John: Davis} ^{1st Sen: Adgill}
^{1st Hen: Drayton} ^{De: Gifford}

Car. Polynesioides

Who are appointed to meete at m^r Deputy ffarrars to morrowe about 9 in the morninge to consider of some Course howe the same may be effected and accordingly to frame some Letter of Aduise vnto the Counsell of Virginia about it and to acquaint it wth the Companies inclinacōn to furnish hereafter wth Virginia Corne such newe men as they shall send the next yeare in case they can against that time provide themselues of so good store and that it be of their owne growth and not by trade wth the Indians whereof they are to certifie the Companie here by the first Shippinge accordingly.

AT A COURT HELD FOR VIRGINIA ON
WEDENSDAY IN THE AFTERNOONE THE
15 OF OCT: 1623

PRESENT

S^r Io: Dauers.
S^r Roger Twisden.

S^r Sam: Argall.
Do^r Gulstone.

m ^r Nich: fferrar deputy.	Capt: Martin.	m ^r ffletcher.
m ^r Tomlins.	Capt: Baylie.	m ^r Constable.
m ^r Io: ffarar.	Capt: Bargaue.	m ^r ffreak.
m ^r White y ^e Lawyer.	m ^r Shippard.	m ^r Tho: Waterhouse.
m ^r Binge.	m ^r Scott.	m ^r Wiseman.
m ^r Paulavicine.	m ^r Viner.	m ^r Nicholls.
m ^r Wolstenholme.	m ^r Moor.	m ^r Geo: Smith.
m ^r Wilmott.	m ^r Swinhow.	m ^r Woodall.
m ^r Keightley.	m ^r Bull.	m ^r Owen Arthur.
m ^r Bland.	m ^r Copland.	m ^r Sheldon.
m ^r Caswell.	m ^r Bickeley.	m ^r Seaward.
	m ^r Raugley.	m ^r Edwards.
m ^r Sherowe.	m ^r Perry.	m ^r Couell.
m ^r Iadwin.	m ^r Berkley.	m ^r Woodnutt.
m ^r Collett.	m ^r Winckfeild.	m ^r Ewens.
m ^r Paulson.	m ^r Morison.	m ^r Rogers.

m ^r Cartwright.	m ^r Mace.	m ^r Eldred.
m ^r ffr. Waterhowse.	m ^r Morgan.	m ^r Hickford.
m ^r Cuffe.	m ^r Colethurst.	m ^r Stubbs.
m ^r Rider.	m ^r Wilkins.	m ^r Geeringe.
m ^r Barker.	m ^r Abr: Downes.	m ^r Tucker.
m ^r Gough.	m ^r Swaine.	m ^r Tho: ffletcher.
m ^r Dike.	m ^r Sparrowe.	m ^r Morgan.
m ^r Ditchfeild.		

m ^r Humfrey May.	m ^r Gilbert Moorewood.
m ^r Ascough.	m ^r Dardel. w th diuers
m ^r Truloue.	others.
m ^r Kirby.	
m ^r Palmer.	
m ^r Hurd.	
m ^r ffelgate.	
mr. D'Lawne.	
m ^r Caninge.	

[338]

M^r Deputie acquainted the Court that by Comaund of the Lordel of the Counsell himselfe wth some fewe others of the Companie had attended their Lo^{ps} at White hall on Wedensday last where their Lo^{ps} first Demanded of him an Accompt whither the Supplies of Meale and ~~all~~ ||other|| things (accordinge to the vnderwritinge formerly presented vnto them) were sent to Virginia for reliefe of the great necessities and Distresse wherein they had bin informed the Colonie stood, wherevnto his Aunswere was, that he conceaued, that all things promised by the Companie to their ll^{ps} had bin performed with a verie large aduantage.

Afterward their ll^{ps} propounded vnto him some other verie waightie proposiçons: w^{ch} his humble request vnto their ll^{ps} was, might be drawne up into an order of that Bourd that so he might present it vnto the Companie w^{ch} their ll^{ps} were pleased fauourably to condescend vnto, and haviinge sent him the order, he said he need not himselfe speake anythinge, since they should heare most fully from the order it selfe w^{ch} was read beinge as followeth.

This Day the Deputie and diuers of the Aduenturers and Companie of Virginia were called to the Board, vnto whome their ll^{ps} declared that his Ma^{tie} havinge taken into his Princely consideraçon the distressed estate of that Colonie and Plantaçon occasioned as it seemeth by miscarriage of the Gouvern^t in that Companie, w^{ch} cannot well be remeadiad but by reduceinge the Gouvern^t into the hande of a fewer number of Gouvernors neare to those that were in the first Patents of the¹ said Plantaçon, but especially to be provided that the interest of all Aduenturers and priuate persons whatsoeuer shalbe preserued & continued as they are, hath therefore resolved by a newe Charter to appointe a Gouvernor twelue Assistant^e resident here in England vnto whome should be comitted the Gouverment of that Companie and Colonie, w^{ch} Gouvernor and Assistants his Ma^{tie} wilbe pleased to nominate and make choise of the first time, and afterwarde the elecçon of the Gouvernor to be in this manner vizt: The Assistant^e to present the names of three to his Ma^{tie} of whom his Ma^{tie} wilbe pleased to nominate one to be Gouvernor and the Assistant^e to be chosen by the greater part of the Gouvernors Assistant^e for the time being the names of them to be chosen beinge first presented to his Ma^{tie} or to this Bourd to be allowed or disallowed by his Ma^{tie}. And the Gouverno^r and six of the Assistant^e to be changed thus once in two yeares: And his Ma^{tie} is pleased that there shalbe resident in Virginia a Gouvernor and Twelue Assistant^e to be nominated by the Gouvernor and Assistant^e here resident they presentinge their names to his Ma^{tie} or this Board that his Ma^{tie} may allowe or disallowe of the same: And as the Gouverno^r and Assistant^e resident in Virginia shall haue Dependance and relaçon to the Gouvernor and Assistants resident here: So the Gouvernor and Assistant^e here shall haue relaçon and Dependance on this Bourd, whereby all matters of importance may be Directed by his Ma^{tie} at this Bourd: And that in the same Charter his Ma^{tie} purposeth to make the like graunt^e as well of lande as of fraunchises and other benefitt^e and thing^e as were graunted in the former Charters wth Declaraçon that for the setlinge and establishinge of priuate interest^e of all men this newe Companie shall confirme or newly graunt vnto them the like interest as they enioy by Graunt order or allowance of the former Companie: And therefore the said Deputy and other of the said Companie were by their [339] Lo^{ps} required to assemble a Court on Wedensday next therein to resolute whither the Companie wilbe content to submitt and surrender their former Charters and accept of a newe Charter wth the alteraçons aboue mençoned and to returne their Aunsweare wth all expediçon to this Bourd his Ma^{tie} beinge Determined in Default of such submission to proceed for the recalling of the said former Charters in such sort as shalbe iust.

Whitehall the 8th
October 1623
present
Lo: Keeper
Lo: President
Lo: Visc: Grandi-
son
Lo: Carewe
Lo: Chichester
m^r Secr: Caluert
M^r of the Rolle

Vera Copia.

Io: Dickenson.²

¹ Written over the word "that."

² The original manuscript of this order is in the Public Record Office, State Papers, Colonial, Vol. II, No. 45. For citations of other drafts and places of publication, see List of Records, No. 570, Vol. I, page 182, *ante*.

W^{ch} order beinge read three seuerall times the Companie seemed greatly amazed at the Proposition, so as no man spake therevnto for a longe time, At length m^r Deputy desired them to bethinke themselues in so waightie a buissines what aunswaere they would giue him to returne with to their Lo^{ps} w^{ch} their Lo^{ps} would expect vpon ||the|| ffriday followinge; Wherevpon it was by diuers one after another aunswaered that the matter was of such consequence and waight as they had noe power to giue aunswaere vnto in this Court beinge but an ordinary Court w^{ch} by his Ma^{ty}s Letters Patents are onely enhabled to handle and order casuall and perticuler occurrences and accidentall matters of lesse consequence and waight, but all waightie affaires and perticulerly all things concerning the manner of Gouverment were restrained by precise words in the Letters Patents to the Quarter Court℄, wherefore duringe the Patent was in force they might not in this ordinary Court take vpon them any such authority to determine such a matter as this beinge of the highest nature that euer was propounded to them: And herevpon the Letters Patents were called for and found to agree exactly wth what had bin alledged: It was also further alledged howe inviolably and exactly they had alwayes made their practise aunswaereable herevnto not takinge liberty to themselves so much as to giue a share of land but in a Quarter Court: And further it was alledged that whereas besid℄ the newe Aduenturers (w^{ch} cannot be thought to be lesse then fower or fiue hundred) and all the Planters in Virginia w^{ch} are equally enteressed in his Ma^{ty}s graceous Letters Patents there were neare 1000 psons named in the Letters Patents themselves to whome the Graunt was made whereof there was not iudged to be thirty present in Court:

Wherefore the Companie conceaued themselves euen in conscience bound not so sodainely to passe awaye all their interest℄ but rather to be humble petiçoners to their Lo^{ps} vpon these iust ground℄ that their Aunswaere might be respited vntill the Quarter Court w^{ch} was not verie farr of; Against w^{ch} time they should haue leasure to consider well of so waightie a buissines, And a verie large and generall Soñons might be giuen to all men to appeare then wth perticuler intimaçon of the buissines to be Determined to the intent that they might be the rather induced to affoord their presence w^{ch} if they did not they should be wthout excuse for euer after complayninge.

But some fewe moued that they would rather in conformity to their Lo^{ps} order presently surrender their Charters and professed themselues very willinge to surrender it:

Wherevpon the Court desired m^r Deputie to make two ~~Proposiçons~~ questions according to the two seuerall Proposiçons. [340]

ffirst whither the Companie at this present Court would surrender vp their Charters to haue a newe Patent accordinge to such alteraçons as were mençoned in their H^{ps} order It beinge thus put to the question there were onely 8 hand℥ held vp for a present surrender.

Secondly it beinge put to the question whither the Companie would rather humbly desire respite of their Lo^{ps} till the next Quarter Court for the reasons w^{ch} had bin alledged, to make aunsweare to the Proposiçon The Court by a generall erecçon of hand℥ (the former eight onely excepted) agreed to petiçon the Lords for respite till their next Quarter Court: And therevpon caused the Aunsweare followinge to be Drawne vpp in presence of the Court w^{ch} beinge afterward℥ read and approued was ordered to be deliuered to the Lord℥ in the name of the Companie w^{ch} Aunsweare doth here ensue.

The most humble Answeare of the Company for
Virginia assembled in a Court held on Wednesday
in the Afternoone the i5 of October i623.¹

The Companie for Virginia beinge assembled accordinge to yo^r Lo^{ps} commaund and havinge vnderstood yo^r H^{ps} order conteyninge a Proposiçon for the givinge vp of their Charters; Conceauie it in diuers respect℥ to be of such H^great waight and consequence as by speaciall lymitaçon of their Letters Patents is restrained onely to the Determinaçon of a Quarter Court: wherefore as also in regard there was not at present assembled aboue one hundred and twenty psons, whereas besid℥ the newe Aduenturers and Planters in Virginia (w^{ch} are all equally interested wth them therein) his Ma^{ty} Letters Patents are graunted to aboue one thousand persons of higher and inferio^r ranke by their perticuler names as also vnto threescore seuerall Companies of the Citty of London and other corporate Townes therein mençoned: The Companie then assembled most humbly beseech yo^r H^{ps} to giue them respitt vntill the next Quarter Court the 19th of Nouember w^{ch} is the soonest time the said Letters Patents giues them power to make further Aunsweare herein and against w^{ch} more generall Sòmions shalbe giuen.

¹ See List of Records, No. 574, Vol. I, page 183, *ante*.

The Court also ordered that there should be a verie perticuler Soñons of all the Aduenturers against the next Quarter Court w^{ch} was to be the 19th of Nouember that further Aunsweare might be made vnto their Lo^{ps} concerning this waightie ~~Pp~~ Proposition In w^{ch} regard it was ordered that the officer that warned them should giue them especiall notice of the buissines and desire them in the Companies name not to faile to be present: It was also thought fitt that all the Lorde and great Officers free of this Companie should be against that day acquainted wth the buissines and respectiuey invited to affoord their Hono^{ble} presence: And for this m^r Waterhowse and the Secretary were appointed by this Court. [341]

AN EXTRAORDINARY COURT HELD ON
MONDAY IN THE FORENOONE
THE 20TH OF OCTOBER 1623.

S ^r Tho: Wroth.	m ^r Draper.	m ^r Kirby.
S ^r Samuell Argall	m ^r Cuffe.	m ^r Sharrowe.
m ^r Deputie.	Capt: Io Martin.	m ^r Bland.
m ^r Winkefeild.	m ^r Rich: Edwards.	m ^r Scott.
m ^r Chetley.	m ^r Wiseman.	m ^r Caninge.
m ^r Paulavicine.	m ^r Hacket.	m ^r Boothby.
m ^r ffreake.	m ^r Raughley.	m ^r Eldred.
m ^r Copland.	m ^r Edw: Waterhowse.	m ^r Mouse.
m ^r ffarrar.	m ^r ffranċ: Waterhowse.	m ^r Wither.
m ^r Seaward.	m ^r Tho: Waterhowse.	m ^r Swaine.
m ^r Taylo ^r .	m ^r Meuerell.	m ^r Widdowes.
m ^r Roberts Iuñ.	m ^r Truloue.	m ^r Caswell.
m ^r Buckeridge.		
m ^r Kightley.	m ^r Ley.	
m ^r Sherwood.	m ^r Woodnut.	
m ^r Wood.	m ^r Edward m ⁹ cht.	
m ^r Bickley.	m ^r Biddolph.	

m ^r Morgan.	m ^r Straunge.
m ^r Shippard.	m ^r Peirce.
m ^r Ewens.	m ^r Mease.
m ^r Colethurst.	Molasco y ^e Polander.
m ^r Watson.	Martin an Armeanean.
m ^r Clarke.	w th Diuers others whose names
m ^r Woodall.	were not taken but their number
m ^r Collett.	was about 70.
m ^r Stubbs.	
m ^r Rider.	

M^r Deputie acquainted the Court that himselfe wth some fewe others of the Companie had presented to the Lords of the Counsell on ffri-day last at Whitehall the Companies Aunsweare to there ll^{ps} Proposition touchinge the surrendringe vp of their Charters, but their ll^{ps} seemed not satisfied therewith as appeared by another order which he had since receaued from their Lo^{ps} w^{ch} had occasioned the sodaine callinge of this present Court, their ll^{ps} expectinge this Day a direct Aunsweare from the Companie touchinge their former Proposition the Coppie whereof doth here ensue:

AT WHITEHALL THE 17TH OF OCTOBER 1623¹

PRESENT.

Lo: Arch=bishop of Canterbury.	
Lo: Treasurer.	Lo Visc: Grandison.
Lo: President.	Lo: Chichester.
Ea: Marshall.	m ^r Treasurer.
Ea: of Carlile.	m ^r Secrē Caluert.
Ea of Kelly.	m ^r Chauncello ^r of y ^e Exchequo ^r .
	The M ^r of the Rolls.

This Day the Deputie and others representinge the Bodie of the Virginia Companie, did in conformity to the order they had receaued exhibite at the Board

¹ This order is recorded in the Register of the Privy Council, James I, Vol. VI, p. 126. For citation of other drafts and places of publication of the order, see List of Records, No. 576, Vol. I, page 183, *ante*.

their Aunswear to that w^{ch} accordinge to his Ma^{ty} pleasure their Lo^{ps} had both propounded vnto them Viua Voce and also declared by an Act of Counsell Dated the 8th of this Moneth whereof a Coppie was Deliuered them, in w^{ch} doth manifestly appeare his Ma^{ty} graceous intençon and Royall care of the Plantaçon both generally for the pointe of Gouverment and perticularly for the conseruinge of euery mans priuate interest, nowe forasmuch as the said Aunswear is mearely Dilatory, the said Deputie and the rest pretendinge thereby that by reason of a limitaçon in their Patent they may not handle matters of that nature and waight but at a Quarter Court w^{ch} will not be vntill the 19th of Nouember next their Lo^{ps} beinge no waye satisfied wth this pretence and consideringe that his Ma^{ty} expecteth a speedie Account of the [342] proceedinge in this buissines w^{ch} also in its selfe requireth all expidiçon in regard of the importance and consequence thereof haue therefore ordered and expressly charged the said Deputie and the rest, that they assemble themselves againe forthwith, and on Monday next in the Afternoone w^{ch} wilbe the 20th of this Moneth deliuer a cleare direct and finall Aunswear to that w^{ch} had bin before propounded and was this Day reitterated vnto them: Vzt whither the same Company wilbe content to submitt and surrender their former Charter and accept of a newe Charter with the alteraçons mençoned in the foresaid Act of Counsell and to this purpose the Deputie was likewise comanded to propound the question to the said Companie in those cleare and plaine termes, in w^{ch} it was Deliuered.

Ex^t. I. Dickenson

Which order beinge twice deliberately read after some pause and dispute had by both parts m^r Deputie put it to the question in the verie words expressly sett downe in the said order vizt

As many of you as be content to submitt and surrender the Charters you nowe haue and accept of a newe Charter with the alteraçons mentioned in the aforesaid Act of Counsell hold vp yo^r hands to w^{ch} only nine ||hands|| were held vpp.

Againe as many as will noe, hold vp their hands: to w^{ch} there was a generall erecçon of hands of the whole Court: the aforesaid nine onely dissentinge: wherevpon the Aunswear followinge was drawne in presence of the Court and beinge read was generally approued and ordered to be deliuered to the Lords in the name of the Companie the Coppie whereof doth here ensue.

The most humble Aunsweare of the Virginia
Companie to the Right Hono^{ble} the Lords and
others of his Ma^{ties} most Hono^{ble} Priuy
Counsell¹

The Companie of Virginia beinge assembled the 20th of October 1623 accordinge to yo^r Lo^{ps} commaund and the Deputie havinge put to the question yo^r Lo^{ps} Proposition in the Direct words that y^{or} Lo^{ps} commaunded their were onely nine hands for the deliuvry vp of the Chres and all the rest (beinge about threescore more) were of a contrary opinion.²

AT A COURT HELD FOR VIRGINIA ON WEDENSDAY IN Y^r
AFTERNOONE THE 22TH OF OCTOBER 1623

PRESENT.

m ^r Deputy.	m ^r Mace.	m ^r Cuffe.	m ^r Iadwin.
m ^r Binge.	m ^r Collett.	m ^r Sharrowe.	m ^r Ley.
m ^r Io: ffarrar.	m ^r Wheatley.	m ^r Webbe.	m ^r Geo: Smith.
m ^r Swaine.	m ^r Budget.	Capt: Bargraue.	m ^r Bennett.
m ^r Sheppard.	m ^r Seaward.	m ^r Rider.	and some 10 more
Capt. Martin.	m ^r Dike.	m ^r Bull.	that went away
			the Court sod-
			ainely risinge be-
			fore their names
			could be taken. C ^r .

[343]

Mr Deputie acquainted the Court ||Company|| that since the deliuvry of the last Aunsw^r to the Lords of the Counsell the 20th of this Moneth touchinge the surrendringe vp of their Charters he had receaued from m^r Dickenson the Clarke of the Counsell another order from their Lo^{ps} bearinge date the same day wth intimaçon that their Lp^s did require it to be forthwith published to the Companie: In regard whereof he

¹ A copy of this document is in the Public Record Office, State Papers, Colonial, Vol. II, No. 47.

² A schedule of the names, together with the votes as here cast, is cited in List of Records, No. 579, Vol. I, page 183, *ante*.

caused this present Court to be assembled wherevpon the order was presented and read beinge as followeth.

AT WHITEHALL THE 20TH OF OCTOBER 1623.¹

PRESENT

Lo: Arch=bishop of Canterbury.

Lo: Keeper.

Ea: Marshall.

Lo: Treasurer.

Lo: Visc: Grandison.

Lo: President.

Lo: Chichester.

Lo: Priuy Seale.

m^r Secrē Caluert.

The Master of the Rolls.

Whereas their ll^{ps} were this Day informed that there is a great discouragement Amongst many Adventurers of the Plantacon in Virginia by reason of the intended reforminge and chaunge of the Gouverment, wherevpon they are fearefull to prosecute their Aduentures, so as it may occasion some stopp of those Shippes w^{ch} are nowe ready fraughted and bound for that Country; Although their Lo^{ps} maruell that any should be so farr mistaken considering the Declaracons y^t haue bin made at the Bourd Viua Voce as also by an Act of Counsell and otherwise yet for the better satisfyng of those, who either through erro^r or mistakinge or through the vntrue suggestions of others haue conceaued any such feare or Discouragement, their Lo^{ps} do thinke fitt hereby to Declare againe that there is no other intencon then meerey and onely the reforminge and chaunge of the present Gouverment, whereof his Ma^{ties} hath seen so many bad effect^{es} as wilbe to the endangeringe of the whole Plantacon, if it continue as it is; neuertheles for somuch as it concerneth the priuate interest of any man his Ma^{ties} royall care is such that no man shall receaue any preiudice but shall haue his estate fully and wholly conserued, and if in any thinge is be defectiue better to be secured, so as they need not apprehend any such feares or other inconvenience but contrariwise cheerefully to proceed: It is ||therefore|| ordered by their Lo^{ps} and thought fitt to be published to the Companie that it is his Ma^{ties} absolute Comaund that the Shippes w^{ch} were intended to be sent at this time to Virginia and are in some readines to goe be wth all speed sent away for the reliefe of those that be there and the good of that Plantation and this to be presently donne w^{thout} any Stoppe or Delay:

Ex^t Io: Dickenson.

¹ A copy of this order by Thomas Collett (?) is among the Ferrar Papers, Magdalene College, Cambridge. It is indorsed in the autograph of Sir Edwin Sandys as follows: "Order of the LL in the Busines of Va." The order is recorded in the Privy Council Register, James I, Vol. VI, p. 131. For citation of other drafts and places of publication, see List of Records, No. 578, Vol. I, page 183, *ante*.

W^{ch} order beinge twice read the Court generally agred and ordered that publique notice of this his Ma^{ts} pleasure should be giuen accordingly to all such owners and M^{rs} of Shipps w^{ch} were knowne to haue any Shipps preparinge to goe for Virginia. [344]

AT A COURT HELD FOR VIRGINIA ON WEDENSDAY IN THE AFTERNOONE
THE 12 NOUEMB: i623

PRESENT

Lo: Lawarr. S^r Sam: Argall.
S^r Io: Dāuers. S^r Walter Earle.

m ^r Nich: ffarrar.	m ^r Io: Cuffe.	m ^r Balmford.
m ^r Io: ffarrar.	m ^r Rider.	m ^r Kirby.
m ^r Tomlins.	m ^r Nicholls.	m ^r Truloue.
m ^r White.	m ^r Woodall.	n ^r Moorewood.
m ^r Gibbs.	m ^r Widdowes.	m ^r Geo: Smith.
m ^r Binge.	m ^r Bromefeild.	m ^r ffreake.
m ^r Paulavicine.	m ^r Woodnutt.	m ^r Mole.
Capt: Martin.	m ^r Edw Waterhowse.	m ^r Collett señ.
m ^r Wrote.	m ^r Swaine.	m ^r Sharrowe.
m ^r Keightley.	m ^r Wreosley.	m ^r Rossingham.
m ^r Baynham.	Martin Armenean.	m ^r Caswell.
m ^r Ewens.		
m ^r Barbo ^r .	m ^r W ^m Browne.	m ^r Spruson.
m ^r Geo: Smith.	m ^r Rich: Bennett.	m ^r Barkham.
m ^r Tho Waterhowse.	m ^r Newport.	m ^r Berkeley.
m ^r Hackett.	m ^r Edwards.	m ^r ffeatley.
m ^r Sparrowe.	m ^r Morris.	m ^r Webbe.
m ^r Hurd.	m ^r Copland.	With diuers others.
m ^r Elkington.	m ^r Scott.	
m ^r Ley.	m ^r Truloue.	
m ^r ffran: Waterhowse.	m ^r Shippard.	
m ^r Risely.	Capt. Brewster.	
Polander.		

M^r Deputie acquainted the Court with two thinge, first with the good newes that was come from Virginia by the Shipps lately returned from New-England (where a Pynnace from Virginia arriued before they came away,) and brought diuers perticuler Letters that do import thus much; namely that the Colonie in Virginia haue recouered health, that they were in hope to haue a plentifull haruest of Cane and Tobacco that Opachankano is slaine and as some affirme 150 of his great men and that o^r English were then goeing out againe to pursue the rest of them: and to distroy their Corne: w^{ch} newes is also confirmed by diuers that came home in the said Shipps and that there was hope they should receaue a more perticuler relaçon hereof by the generall Letter to the Companie that came in the Pacquett that was nowe in the Co^mmissioners hande: Yet in the meane time hauinge by so many and vndoubted wayes vnderstood the same confirmed he said he thought it fitt to impart it to the Court that wth him they might all praise God.

Hee further acquainted the Court that since monday last himselfe and diuers members of the Companie had bin serued wth processe out of the Kings Bench by vertue of a Quo warranto prosecuted by m^r Attorney against the Companie, the Teno^r of w^{ch} Quo warranto was to knowe by what authority they claime to be a Companie and to haue and vse those liberties and priuiledges as are related in the said Quo waranto, and most of them taken for those w^{ch} are contayned in his Ma^{ties} Letters Patents vnto the Companie: Of w^{ch} Quo warranto he presented two Copies in Court the one in latin and the other in English;¹ wherevpon the Companie desired that in English might be read w^{ch} being Donne the Companie conceauinge and acknowledginge this legall manner of proceedinge to be faire and with much fauo^r from his Ma^{tie} desired the Defendants to take espeaciall care of the buissines as beinge the Companies cause although prosecuted by perticuler names, their Patent beinge called in question w^{ch} they conceaue was therefore to be pleaded.

¹ A copy of the English version of the Quo Warranto is among the Ferrar Papers, Magdalene College, Cambridge. The writ, together with the pleadings and the judgment, is recorded in the Coram Rege Roll of the Kings Bench, James I, 21st yr. Michaelmas Term, Roll, No. 1528, Membranes 39-63. See List of Records, No. 585, Vol. I, page 184, *ante*.

And further as touchinge the charge of this suite (w^{ch} was conceaued would be verie great) it was generally thought fitt it should be borne by the Companies generall Stocke, and therevpon vnanimously agreed and ordered by a generall erecōon of hand℄ (not one dissentinge) that what Disbursements should be made by the Defendants and others in this suite (prouided it were for the Companies cause and Defence and not for matters that vpon the issue shall fall vpon perticuler psons and their Acōns) should be ||duely|| repaid vnto them by the Companie. And it was likewise ordered that the entertayninge of Counsell Atturneyes C^r in this buissines should be left to the choise and care of the Defendant℄.

S^r Iohn Dāuers and m^r Tomlins were entreated by the Court to speake with S^r Henry Martin Iudge of the Admiralty to desire that fauo^r of him as to respite ~~his~~ ||the|| further proceeding in the cause between Wye and the Companie (nowe Dependinge before him) vntill the said Wye returne into England from beyond the Seas.

M^r Deputie informed the Court that his Ma^{ties} Co^mmissioners intendinge to meete on ffriday next to consider of such References as came from the Lord℄ vnto them; Amongst w^{ch} the case of the Polander and that of the Widdowe Smalley were nowe come to their hand℄ to be examined: Had therefore warned him and such others as the Companie should thinke fitt to attend them that day (they havinge nowe the Companies booke returned vnto them from the Lord℄:) The Court herevpon praid m^r Deputie to attend them accordingly as being best acquainted wth the passages of their Court℄ concerninge them. [345]

M^r Hackett desired in the behalfe of m^r Morgan that whereas there was a Debt longe due vnto him from the Companie since there was no ready money to discharge it, he might haue the Companies Seale for security.

M^r Deputie likewise moued in the behalfe of his Brother and himselfe that havinge engaged themselues diuers wayes for the Companie and laide out much money since the last Accompt it would please the

Court to thinke of some course for their discharges as soone as might be and that in the meane space they might haue the Companies Seale §to§ secure them for such moneys as they had disbursed since the last Audite and likewise to saue them harmeles from all engagem^t wherinto they had ruñ for the Companies cause onely and by their order as namely for the ffrechmen C^r.

The Officers likewise to whome there are much wages due desired the like consideraçon and care as namely the Secretary, Husband, Bookeeper, and Beadle: And m^r Deputie acquainted them with a petiçon of ffrancis Carter in this kinde who claimeth 60^{li}, but it beinge late the Court would not heare it read but it was conceaued most fitt and requisite to giue the seuerall pties satisfacçon in this kinde till the Companie could make them payment: And therevpon it was by a generall erecçon of hands ordered that vpon due examinaçon and prooffe of the pticulers alledged the Seales should be giuen the next Quarter Court and in the meane space the Auditors were entreated to meete concerning these matters and to sett them strait and ||to|| Drawe vp such Draught^e for the seuerall securities as were fitt to be passed in the Quarter Court.

M^r Iohn ffarrar moued that whereas the Companie had out of their loue & approbaçon of his seruice bestowed vpon him 20 ~~shares~~ great shares It would nowe please the Court to confirme them vnto him in the next Quarter Court vnder their Seale.

And that whereas likewise there was due vnto him ¹ shares of land for about 40: psons sent, those psonall shares might be reduced vnto great shares vizt euery two psons to make one great share of old Aduenture: The Court condiscended to both these moçons and the Auditors were intreated to consider of fitt Drafts thereof against the next Quarter Court and such as might serue for others in the like cases.

A ðre from an vnknowne pson beinge presented to the Court and read wherein was enclosed two peeces of gold of 40^s for a Sermon to be preached this yeare (as was the last) before the Companie: It beinge

¹ A blank space in the manuscript.

taken into consideraçon it was thought fitt (and so agreed) the Sermon should be respited for a time in regard of the present troubles of the Companie.

M^r Caswell praying allowance for the money he disbursed ouer aboue that he receaued of the Companie for their last Sermon feast at Marchantaylo^{rs} Hall beinge then their Steward was referred to the Auditors to be farther considered of.

A PRÆPARATIUVE COURT HELD ON MONDAY IN THE AFTERNOONE THE 17TH
OF NOUEMBER i623

PRESENT

the Right Hono^{ble} Lo: Padgett.
S^r Walter Earle.

m ^r Nich: ffarrar Dpty.	m ^r Barbo ^r .	m ^r Geo: Smith.
m ^r Iohn ffarrar.	m ^r Caswell.	m ^r Scott.
m ^r Tomlins.	m ^r Newport.	m ^r ffelgate.
m ^r Binge.	m ^r Berkeley.	m ^r Balmford.
m ^r Shippard.	m ^r Bromefeild.	m ^r ffreake.
m ^r Wheatley.	m ^r Wreosly.	m ^r Rider.
m ^r Paulavicine.	m ^r Bennett.	m ^r Cuffe.
	m ^r Steward.	m ^r Sparrowe.
m ^r Gilbert Moorewood.	m ^r Hackett.	
m ^r Kirrell.	m ^r Russell.	
m ^r Robbins.	m ^r * * Waterhowse.	
m ^r Colt.	with some fewe others.	
m ^r Woodall.		
m ^r Roberts Iuñ.		
m ^r Marmad: Rayner.		

The Co^{rt} held on Wedensday the 12th of Nouember was read and by a generall erecçon of hands approued to be rightly sett downe.

M^r Deputie acquainted the Court if it pleased the Comissioners on ffriday last to pmitt the readinge ouer of the generall Letter to the Companie from the Gouvernor and Counsell of Virginia w^{ch} did beare Date the 5^o of Iune last w^{ch} hauinge diligently obserued and since also hauinge conferred wth some others then p^rsent he said he would ~~the~~ deliuer the contents thereof vnto them

The Ire was from S^r ffrancis Wyatt
 Geo: Yeardley
 Io: Pott
 Geo: Sandys

Rog^r Smith
 Io: Pountys
 Raph Hamer
 Christo: Dauison
 And directed to t[he] [346]

Ea of Southampton and the rest of the Lord℥ of the Counsell for Virginia: And began thus That by a succesfull Stratagem they had not only regained their people but cutt of diuers of the Indian Kinges and great Comaunders: Amongst whome they are confident that Opachankano was one it beinge impossible for him to escape, beinge the designe was chiefly on his person and that exposed to the principall danger: That hauinge held them in a long hope of Peace they had gained the knowledge of their places of residence and that their Corne was nowe so forward as it was to late for them vpon this fresh occasion to remoue so that they doubted not to giue them shortley a blowe that shall neare or altogether ruinate them: That the ffort goeth on cheerefully (consideringe the number of their people and the many imploym^{ts} they haue besid℥:) And two thousand acres of land ||of inheritance|| should be sett out for such as shalbe willinge to plant about it there beinge land enough: And the like respects for all part℥ where Citties and fortified Townes are to be built: They wish also that Martins Hundred might be taken into reguard because it greatly importeth the security and plentie of the Plantacon and wthall the distruccon of the Sauadges in that they shall haue thereby a neare passage to their principall Seates and the better comānd both of that and the other Riuer w^{ch} they wish might be supplied and that speedily with great numbers to make good their nowe inhabited Seate and that

also §off§ Chescaek, And that if a Pale were sett to ruñ between, it would gaine the whole fforest and make it inaccessible to the Sauadges, And they aduise that the Comanders be agreed with, for a yearely rent by the Pole: They desire likewise to knowe the Companies pleasure (because it is not mentioned in their Instrucōns) whither they may make prise of such Dutch and ffrench as they shall finde to trade with the Sauadges within our Limitts.

Lastly they certifie that the whole Collony God be thanked haue recouered health and that nothinge wants more then sodaine and great Supplies of People well furnished to giue perfecōn to this noble Acēon And so ended their letter, whereat the Companie did much reioyce praisinge God for soe good newes.

And one m^r Raymond likewise beinge nowe present in Court acquainted the Companie that he was in Virginia in May last when I=otan the great Kinge sent to S^r ffrancis Wyatt word that if he would send vp some ten or twelue Englishmen vnto him he would deliuer all the rest of the Captiue English he had and would also deliuer his Brother Opachankano who was the Autho^r of the Massacre into the hands of the English either aliuie or dead: And some fower dayes before that, he the said Raymond came from Virginia, Captaine Tucker with some Twelue more was gonne to do this exploite w^{ch} nowe it seemed by the Report of this Letter was performed.

The Companie beinge informed that the foresaid generall letter was still in the Coñmissioners hands desired m^r Tomlins and m^r Copland to repaire vnto them sometime to morrowe and to entreat them that the Companie may haue the originall or at least a Coppie thereof to be read at their Quarter Court for the generall satisfacōn of all men.

Whereas the Companie heretofore in a thankfull acknowledgem^t of the great & extraordinary care and paines that the Right Hono^{ble} the Ea: of Southampton and S^r Edwin Sandys haue taken for the good of the Companie and aduancement of the Plantaçon did giue vnto each of them 20 shares of land of old Aduenture: It was nowe moued

that the said shares might be confirmed vnto them vnder the Comp^a Seale w^{ch} mo^on the Court generally condiscended vnto and therevpon desired

m^r Tomlins
m^r Bromfeild
m^r Copland

m^r ffelgate
m^r Seaward
or any two of them

to meete at m^r Deputies to [347] morrowe about 10 of the Clocke to ioine wth the Auditors and Co^mittees about y^e preparing of some fitt Draft^e against the Quarter Court for that purpose as also for drawinge vpp of those seu⁹all Securities that were appointed to be donne at the last Court w^{ch} seuerall thing^e were ordered to be passed at the Quarter Court.

And whereas it was also moued by some of the Aduenturers of the Blomery worke that they might haue a Patent wth a full propor^on of land due for their Aduenture and for the number of persons that they haue already or shall hereafter transport for aduancement of that worke: The Court generally agreed therevnto recomending it to the care of the former Co^mittee to conceaue the forme of a Patent and to make it ready against the Quarter Court: And also to thinke what further benifitt or priuiledge the Companie might graunt vnto them w^{ch} they were willinge to doe, so much they prized and esteemed this Supplie.

M^r Berkley presented his peti^on to the Court w^{ch} beinge read the Court thought fitt to referre it to the considera^on of the former Co^mittee who are to certifie their opinions what they shall thinke fitt to be donne therein.

The Court havinge considered also of ffrauncis Carters peti^on are pleased this offer be made vnto him. vizt that for the 60^{li} remayninge due for his wages he shall haue fve shares of 12^{li} 10^s p share and shall likewise haue giuen him eight shares more in reward of his good seruice wherewith the Co^mittee are to make him acquainted and if he shalbe contented therewth the Comp^y doth promise they shalbe confirmed vnto him at their next Quarter Court.

A QUARTER COURT HELD FOR VIRGINIA ON WEDNESDAY IN THE
AFTERNOONE THE 19TH OF NOVEMBER 1623.¹

PRESENT

the Right Hono^{ble} Lord Lawarr.
S^r Thomas Wilforde.
m^r Spencer.

m ^r Deputy.	m ^r Casewell.	m ^r Sparrow.
m ^r Garrett.	m ^r Blande.	m ^r Cartwright.
m ^r Wrote.	m ^r Whitley.	m ^r Gibbs.
m ^r Io: fferrar.	m ^r Sheldon.	Cap ^t Bargraue.
m ^r Iohn Smith.	m ^r Newporte.	m ^r Scott.
m ^r White.	m ^r Thornhill.	m ^r Hobbs.
m ^r Bynge.	Cap ^t Martin.	m ^r Copeland.
m ^r Tomlyns.	m ^r Woodall.	m ^r Rogers.
m ^r Palavicine.	m ^r Purchas.	m ^r Edwar: Waterhouse.
m ^r Balmforde.	m ^r Russell.	m ^r Hurd.
m ^r Bromfeilde.	m ^r Leauer.	Cap ^t Smith.
m ^r Wrothsly.	m ^r Cuffe.	m ^r Hackett.
m ^r Sheppard.	m ^r Viner.	m ^r Mullins.
m ^r Ryder.	m ^r Seawarde.	m ^r Selby.
m ^r Berkley.	m ^r Barkham.	m ^r Rich: Bennett.
m ^r Swinhoe.		

m ^r Keightley.	the Polander.
m ^r Martin.	m ^r Wiseman.
m ^r Colthurst.	m ^r Woodnott.
m ^r Withrall.	m ^r Nicholls.
m ^r Rich: Perry.	m ^r Robins.
m ^r Eldred.	m ^r Couell.
m ^r Edwards.	m ^r Ewens.

¹ With this court the handwriting changes to that of Thomas Collett (?).

m ^r Willmor.	m ^r Kirrell.
m ^r Collett.	m ^r Thomson.
m ^r Pruson.	m ^r Tho: Waterhouse.
m ^r ffreake.	m ^r Barker.
m ^r Berblock.	m ^r Meuerell.
m ^r Norwood.	m ^r Bull.
m ^r Bolton.	m ^r Berkley.
m ^r Elkinton.	w th divers others. [348]

The Preparative Court held the 17th of this monneth was read and by a generall erection of hands approved to be rightly sett downe.

In w^{ch} Court m^r Deputy haueinge made a breife Relaçon of y^e Contents of the generall letter from the Counsell of Virginia vnto the Company here (as haueinge read itt before his Ma^{ties} Comissioners on ffryday last) hee did now signifie that since that time itt had pleased the Comissioners vppon request of the last Court, to send him the Originall letter itt selfe that itt might be read att this present Court (requyringe itt to be afterward returned vnto them againe) Whervppon the said letter was read the Coppie wherof doth here ensue.

Right Hono^{ble} C^r.

Wee haue by a succesfull stratagem not onely rēgayned our people but cutt off some kings and divers of the greatest Comaunders of the Enemie, amonge whome wee are assured Opachankano is one, itt beinge impossible for him to escape the designe beinge cheifly vppon his pson and y^e happilie exposed to the greatest daunger. By holdinge them in a long hope of peace, weē haue come to knowledge of their places of residence and their Corne is now soe forward that itt is to late for them vppon this fresh occasion to remoue soe that wee doubt not to giue them shortlie a blowe, that shall neer or altogether ruinate them.

The fforte goeth cheerfully on for the number of our people and y^e many services they are to be employed in, and wee conceave itt would be of speciall Consequence if you would be pleased to graunt a Comission for 2000 Acres of land of inheritance to such as shalbe willinge to plant about itt, w^{ch} the Societie may well spare, there beinge Land enough besides, and better then that for Ten Thousand Planters.

Wee desire yo^r wee may haue yo^r Peremptory answere to this poynte for the faylinge of the like to divers of our letters, hath been a great hinderance to our pceedingē. The like respect must be had to all pts wher Citties & ffortified Townes are to be built, there beinge many fitt places for y^t purpose in this River, and many forward Planters already want roome to seate on. Martins Hundred also would be taken into yo^r regard w^{ch} greatly importeth the securitie and plenty of this Plantacon and wthall the Destruccon of y^e Sauages in y^t wee shall haue herby a swifte passage to their principall Seates & the better comaund both of this and the other River; W^{ch} must be supplied, and y^t speedilie, wth greater nombres y^t may make good this their now inhabited seate & y^t of Chescack a pale beinge runn between, wins the wholl fforrest and makes itt inaccessible to the Salvages. An excellent place and not fitt to be lefte vnpeopled any longer. And to thend their badd returnes may no longer discourage them wee thinke itt the best course, both for themselvs their Officers, and servants, that y^e Comaunders be agreed wth for a certaine rent yearly, for everie on by the Poll, y^t shall live vndertakinge allso for all publiq^h charges and advancem^t of Staple Comodities. Men seasoned & experienced in this Countrie wilbe fittest to Comaund, by this means they may allsoe haue a Stocke of Corne to victuall such people as they shall send ouer hearafter to the great diminucon of their charges: The like course wee could wish might be taken wth other Societies (as wee haue formerly advised for y^e Companies Tenants) submittinge our opynions to yo^r better iudgm^{ts}.

Wee desire to know yo^r pleasures since itt is not menconed att all in yo^r Instruccons haveinge been doubted by divers & leave not graunted by any late Comissions, whether wee shall make prize of such Dutch and french as wee shall finde to trade wth y^e Salvages wthin our lymitē.

The Colony god be thanked hath recovered health, & nothinge wants more then suddaine & great supplies of people well furnished to giue pfeccon to this noble Action, wherin wee beeseech the allmightie to prosp yo^r and our endeavours, Thus wee humbly take our leaves & remaine. Att yo^r Comaunds.

Ivne y^e 14th 1623.

John Pountes. Christ. Dauison: Roger Smith
Fra: Wyat: George Yeardly
Georg Sandys John Pott [349]

Endorsed. To y^e right honob^{le} y^e Earle of Southampton wth other y^e L^{ds} & to y^e rest of y^e Noble miñd- ed Adventurers of y^e Virginia Company.

Captaine Martin as before the readinge of this generall letter, soe nowe againe moved verie earnestlie that the three letters he presented to m^r Deputy might be publiquely read in Court, sayinge they were Coppies of pryvate letters that came from Virginia, dated in Ivne & Iuly last Butt the Court vnderstandinge they were onely Coppies and not y^e Originallē did generally hould itt vnfit they should be read.

Notwithstandinge forasmuch as Cap^t Martin still pressinge the readinge of them, m^r Deputie putt itt to the question, and by a generall erection of hands (except one that dissented) they were denyed to be read.

After this m^r Deputie p^sented to the Court fflower seuerall Draughts w^{ch} the apoynted Com^{it}tee by order of the last Court had drawne vpp and caused to be engrossed beinge these w^{ch} followe.

ffirst a Confirmation of Twentie shares to the Right hono^{ble} the Earle of Southampton, w^{ch} the Company in a thankfull acknowledgment of his noble Deserts and meritts both from themselvs and the Planta^{con} (they haueinge no other means to express their love) haue given vnto his Lo^p. A Coppie wherof doth here ensue.

This Indenture made the Nineteenth day of Novemb^r Ann^o 1623, and in y^e years of the Raigne of our Sovereigne Lord Iames by the grace of God kinge of England Scotland ffrance and Ireland defendour of the ffayth C^r (vizt) of England ffrance and Ireland the one and Twentieth And of Scotland the Seaven and fiftieth: Between y^e Treasuror and Company of Adventurers & Planters of the Cittie of London for the ffirst Colony in Virginia of the one p^{tie} and the Right Honob^{le}: Henry Earle of Southampton of the other p^{tie} Wittnesseth that wheras the right Hono^{ble}: Henry Earle of Southampton hath ever since the eight and Twentieth day of Ivne Ann^o 1620 vntill this present p^{for}med the place of Treasuror of his Company, wth singuler w^{is}edome p^{ro}vidence and Care and much Noble paines and Industrie and wth vnquestionable integritie to the Advancement of the Planta^{con} & full sattisfacc^{on} of vs the Company: Now know yee y^t wee y^e said Trer and Company in testimony of our due thankfullnes and approba^{con} of his Noble Deserts and Merritts from vs the Company heere and from the Planta^{con} in Virginia haueinge no greater means to express itt. Doe by these presents giue & graunt to y^e said Henry Earle of Southampton his heirs and Assignes for ever Twentie shares of Land Old Adventure in Virginia to be taken in such place no others right beinge p^{ro}judiced and att such time as hee or they shall thinke fitt: To be held by him and them wth all those priveledges, freedomes & imunities w^{ch} belonge to shares of old Adventure for w^{ch} Twelue pounds tenn shilling^e hath been paid: In wittness and Confirma^{con} wherof the said Treasuror and Company to one p^t of this Indenture haue sett their Legall and Com^{on} seale And to the other p^t therof the said Right Hono^{ble}: Henry Earle of Southampton hath sett his hand and Seale: Given in a great and generall Quarter Coort of the said Trer and Company the day and year first aboue written.

W^{ch} beinge Read and approved was by a generall erec^on of hands (noe one dissentinge) ordered to be sealed. [350]

The second was likewise a Confirma^on of Twentie Shares vnto S^r Edwin Sandis w^{ch} the Company had formerlie given him as a testimony of their love and thankfullnes for his extraordinary well Deservings of the Company and Planta^on, both before and in the time of his Treasurorshipp and since as will more att large appeare by the Graunt itt selfe wherof y^e Coppie doth here ensue.

This Indenture made the Nineteenth day of Nouemb^r 1623. And in the years of the raigne of our Sovereigne Lord Iames by the grace of God kinge of England Scotland ffrance and Ireland Defendour of the ffayth C^r that is to say of England ffrance and Ireland the one and Twentieth and of Scotland the Seaven and fiftieth: Between the Treasuro^r and Company of Adventurers and Planters of the Cittie of London for the ffirst Colony in Virginia wth the advise and Consent of y^e Counsell for the same on the one parte. And S^r Edwin Sandys of Norbourn in the Countie of Kent knight on the other part.

Wittnesseth that wheras wee the saide Treasuro^r Counsell and Company in a great and generall Quarter Court held for Virginia the second of May 1621; in regard of the extraordinary well Deservings of the saide S^r Edwin Sandis and his continuall constant endeavo^{rs} both before and in the time of his Treasurorshipp to vphold and advance the Planta^on by his Industrie Care and providence thought fitt then in his absence especially to shew some testimony of our love and thankfullnes (though no waies able to gratifie his paynes in y^t ample ~~manner~~ measure as hee had deserved.) And thervpon did bestow Twentie shares of Land vpon him for the present till better means might accrue, that might enhable vs to be further thankfull vnto him: Nowe knowe yee that wee the said Treasuro^r, Counsell and Company haveing ever since had farther experienc of his great loue and zeale to y^e buisines of the Planta^on by many faithfull Counsells and endeavours pformed on his pt to the full satisfac^on of vs the Company in all things and by a most assured testimony of his integritie and fidelitie haue ~~granted and confirmed~~ willingly condescended vnto the request made in his behalf and do, by these prnts ~~de graunte~~ ratifie and Confirme vnto the said S^r Edw: Sandis and his heirs and assigns for ever the said Twenty Shares of old Adventure in Virginia To be taken in such place ~~wher~~ no others right might be being p*re*judiced and at such time as hee or they shall thinke fitt. To be held by him and them wth all those pryveledges freedomes and Immunities w^{ch} belonge to Shares of old Adventure for w^{ch} Twelue pounds tenn shillings hath been payde: In Wittness and Confirma^on wherof the said Treasuror and Company to the one pt of this

Indenture haue sett their Legall and Comon Seale And to the other pt therof the said S^r Edwin Sandis hath sett his hand and Seale. Given in a great and generall Quarter Court of the said Treasuro^r and Company the day and year first aboue written.

W^{ch} beinge read and approved the Court vnanimously agreed and ordered by a generall erec^on of hands, (except 5 that dissented) that the said Graunt should be sealed. [351]

The third was likewise a Confirma^on of Twentie Shares vnto m^r Iohn fferrar, w^{ch} the Company had also formerlie given him in testimonyall of their thankfull acknowledgm^t and approba^on of his good and faithfull service pformed for the Company in the time of his Three years Deputiship and since as more fully appears by the said Graunt wherof the Coppie doth here ensue.

This Indenture made the Nineteenth day of Novemb^r 1623 And in the years of y^e Raigne of our Sovereigne Lord Iames by the grace of God kinge of England Scotland ffrance and Ireland Defendo^r of the ffayth C^r. That is to say of England ffrance and Ireland the one and Twentieth and of Scotland the seaven and fiftieth Betweene the Treasuro^r and Company of Adventurers and Planters of the Cittie of London for the ffirst Colony in Virginia, wth the advise and Consent of the Counsell for ye same on the one p^t and Iohn fferrar of London Cittizen & Marchant on the other ptie: Wittnesseth that wheras wee the said Treasuro^r Counsell and Company did in a great and generall Quarter Court held on y^e Two and twentieth day of May in the year 1622 giue and bestow vppō ||mr|| Iohn fferrar late Deputie. Twenty shares of old Adventure in testimoniall of our thankfull acknowledgm^t, and approba^on of the great and faythfull service pformed by him in the place of Deputie duringe the time of three years w^{ch} hee served in that place. And further ordered that togeather wth y^e guift itt selfe, itt should be entred in our Court booke that wee conceived his merri^ts soe greate, as if our greatest liberalltye had not by our Lawe been bounded wth in the Compasse of Twentie shares wee would haue extended itt wth ||to|| a farr larger propor^on. Now know yee that vppō the humble peti^on of the said Iohn fferrar That the said guifte of Twenty shares may be confirmed vnto him vnder our Comon Seale: Wee the said Treasuror and Company haveinge ever since vntill this time had further experienc of his great love and zeale to the Planta^on, by the exceedinge paines, Cost & charges w^{ch} the said Iohn fferrar hath vndergone for the advancem^t of the said Planta^on, to y^e full satisfac^on of vs the said Treasuro^r and Company in all things and full assured testimoney of his fidelitie by the fayre orderly and

perfect Accompts of all monneys Receaved and Disbursed by him, w^{ch} haveinge passed all manner of Tryall requyred, hee y^e said Iohn fferrar hath his Quietus est given vnto him vnder our Common Seale: haue willinglie condissended vnto his humble request and doe by these p^lsents ratefie & confirme vnto the said Iohn fferrar and his heirs for ever. Twentie shares of old Adventure in Virginia to be taken in such place no others right beinge p^liudiced and att such time as hee or they shall thinke fitt, and to be held by him and them wth all those pryveledges, ffreedomes and imunities w^{ch} belonge to shares of old Adventure for w^{ch} Twelve pound^e Tenn shilling^e hath beene paid In wittness & Confirmaçon wherof the said Treasurer and Company to y^e one pt of this Indenture have sett their legall and Common Seale, and to the other pt therof the said Iohn fferrar hath sett his hand and seale. Given in a great and Generall Quarte^r Court of the said Treasurer and Company the day & year first aboue written.

W^{ch} beinge read after a good pause and no man takinge excepçon therevnto m^r Deputie puttinge itt to y^e Question itt was vnanimously agreed and Ordered by a generall erecçon of hands (one onely Dissenting) that y^e said Graunt should be sealed. [352]

M^r Deputie presented likewise an Accompt of his Receipts and Disbursments made since the Auditinge of his former Accompt w^{ch} the Audito^{rs} and Co^mmittees haveinge lately before examined and Audited had in the foote therof made this Reporte followinge.

This Accompt aswell what hath been therin Disbursed wthout p^ticular war^rnt as we^ll as by war^rnt was Audited by vs the 18th of November 1623: Soe that wee finde y^t Nicholas fferrar hath Disbursed for the Virginia Company since his last Audite.

ffirst as appeareth on the other side	48: 14. 06—
And more as appeareth on this side	25: 05. 08—
More restinge Due on his form ⁹ Accompt Audited the	} 05: 14. 08—
12 th of May 1623.....	
Soe that wee finde due to him from the Company	} 79: 14. 10
this 18 th of Nouemb ^r 1623	

Iohn Dauers.	Iohn Bland.
Patrick Copeland.	Isack Seaward.
Richard Casewell.	Richard Wiseman.
Iohn fferrar.	

M^r Deputie herevppon acquainted the Company that y^e Audito^{rs} and Comittee aforementioned accordinge to the Order of the last Court had drawne vpp the forme of a Securitie to be passed vnto him vnder the Seale aswell for repayment of the said sume of 79^{li}: 14^s: 10^d due vnto him as allso for what further engagments himselfe and his Brother haue since the Auditinge of his former Accompt or shall herafter runn into for the Companies cause and by their Order A Coppie of w^{ch} securitie is here incerted.

To all to whome these plnts shall come The Treasuror and Company of Adventurers and Planters of the Cittie of London for y^e first Colony in Virginia send Greetinge Whereas by testimoney vnder y^e hands of the Audito^{rs} and Comittees dated the 18th of November 1623, itt hath appeared to this Court y^e Nicholas Ferrar Deputy of the said Company hath since the Twelth of May last together wth what remayned due vnto him Disbursed the some of Seauentie Nine pounde, ffourteen shillings & Tenn pence by good and sufficient war^{nt} and for the especiall service and behoofe of the ~~said~~ ||generall|| Company: Wee therefore the said Treasuror and Company Doe by these present acknowledge ourselvs indebted vnto y^e said Nicholas fferrar the some of 79^{li} 14^s 10^d, And Doe binde our selvs and Successo^{rs} to pay and satisfie vnto the said Nicholas Ferrar the said sume of 79^{li}: 14^s: 10^d And whereas ffurther the said Nicholas fferrar, and Iohn fferrar his brother late Deputy of the Company Doe stand ingaged for the payment of diuers Sume of monney for wages to severall psons and others for the onely Debt and behoofe of vs the said Company, into w^{ch} engagement they entred att the entreatie of vs the said Treasuror and Company: Now know yee that wee the said Treasuro^r and Company, doe for our selvs and Successors pmise Cove^{nt} and agree to keepe and saue harmeless y^e said Iohn and Nicholas fferrar their Executo^{rs} administrato^{rs} and assignes from all such seuerall engagm^{ts} as they haue entred into for our service and behoofe and to cause the said Somes as they shall respectively ~~growe~~ ||fall|| due to be truly paid and discharged, and for ||the|| further securitie [353] of the said Nicholas and Iohn fferrar in y^e premises, wee doe hereby order & agree that itt shalbe lawfull and ffree for the said Iohn and Nicholas

fferrar to take and receave to their owne prop vse and behoufe all such Debts monneys or goods as belong §to§ vs the said Company and they can procure or receave and to dispose and sell them till they be fully sattisfied and discharged of y^e monney alredy layd out or that herafter vppon their engagement℥ for our behoufe and service they shall lay out vntill they be fully sattisfied and paid all such sōmes together wth all interests and damages that shall arise therby. And itt is ordered and agreed that the Acquittances of the said §Nicholas &§ Iohn fferrar shalbe a sufficient discharge vnto all such as shall pay them any monneys vntill the aforesaid Debts and engagements be fully sattisfied & cleered And in Confirmaçon of the premises wee haue caused our Cōmon and Legall Seale to be herevnto affixed. Given in a great and generall Quarter Court held for Virginia the Nineteenth of Nouember 1623: And in the years of the raigne of our Sovereigne Lord the Kinge of England ffraunce and Ireland the one and Twentieth, and of Scotland the seven & ffiftieth.

W^{ch} beinge read the Court approved and by a generall erection of hands (one onely dissentinge) ordered itt to be sealed.

M^r Casewell likewise acquainted the Court, that wheras hee wth on other were appoynted Stewards for p̄vidinge the Supp kept att Marchant Taylo^{rs} Hall the last yeare for the Company, and for defrayinge the charge of the said Supp haveinge Disbursed all the monneys hee receaved from the Adventurers (as appeared by a p̄ticuler Accompt therof long agoe p̄sented) hee had been lately arrested by a Poulterrer for certaine monney due to him vppon that Acc^o and therby forced to pay to him and others to the Sum̄e of 14^{li}: 17^s. 00 more then hee receaved, for repayment wherof for soe much as the former Court had ~~Audited~~ ordered hee should haue securitie vnder the Companies Seale, hee prayd itt might be expedited and passed accordinglie by Order of this Court W^{ch} request the Court takinge into Consideraçon and thinkinge itt a most vniust and vnworthie thinge that hee beinge specially requested to vndergoe that troublesome Office, and haueinge p̄formed itt soe well to their good Content should be soe much Dampnified, did therevppon Order and agree by a generall erection of hands

(except three that dissented) that his securitie should be forthwth Drawne vpp and passed vnder the Companies Seale for repayment of the said sūme of 14^{li}: 17^s 00^d out of such monneys as should com into the generall bodie of y^e Company. And further that the Companies good acceptance of his care and paines in that service was such as deserved a p^ticuler acknowledgment of thank^e from them.

The next thing taken into Considera^on was that waightie Proposi^on lately made by the Lords of the Councell vnto the Company touchinge the surrendringe vpp of their Charters: [354] Concerninge w^{ch} and that itt might be the better vnderstood what had formerlie passed these severall Court^e of the 15th, 20th and 22th of October were read as allso that of the 12th of this p^rsent moneth Wherby itt appeared that although the Company in their answeare would haue referred their resolu^on touchinge the said Proposi^on till the Determina^on of this Quarter Court yett their said Answeare was not accepted by their LL^{ps}: and since that time another course was now taken to bringe that buisines to a Legall tryall as appeared by the Quo warranto prosecuted by m^r Atturney against the Company. Soe that itt was conceaved that itt was too late and out of season to take that Proposi^on againe into a fresh Dispute as was desyred by some; butt rather to consider whither this Court would confirme the proceedings of the former Courts touchinge the aforesaid Proposi^on, and soe holde to the Plea of their Charters w^{ch} were now questioned. Whervppon after mature Delibera^on m^r Deputie att the desire of the Court putt itt to the question, and by a generall erection of hands (seaven onely dissentinge) the Court vnanimously agreed and ordered that the p^rceedings of the aforesaid Courts touchinge the not surrendringe vp of their Charters should hereby be ratified and confirmed.

Itt was allsoe propounded, that for the better prosecution of soe waightie a buisines (w^{ch} would require often and serious Consulta^on,) that a large Comittee might be appoynted to Consult and giue Direc^on as often as Occasion should be offered. W^{ch} Proposi^on the Court

conceavinge to be verie important and of great necessitie did ther-vppon agree and order by a generall ereccon of hands (five onely dissentinge) that the Grand Coṃmittee formerly appoynted should take care to dyrect all matters requisite & appteyninge to that buisines. And that ther-vppon the Deputie should haue authoritie to suṃon them att all times or such parte of them as hee should thinke meete.

A mocon was likewise made y^t the Lords of the Counsell might be humbly petiṇoned by the Company for restoringe their Books and writings wherby they might be the better enhabled to prepare their proofs and make their Defence in that waightie cause now in hand, w^{ch} Mocon the Court well approved of, and ther-vppon ordered by a generall ereccon of hands a Petiṇon to be drawne vpp accordinglie.

M^r Binge hearinge this mocon of Petiṇoninge the Lords for y^e Companies Books, said (as hee was goinge out of the Court) that lett them make as many Petiṇons as they will, they shall [355] assoone haue a Haulter as haue them: Wherof present Complainte beinge made, and the words iustified by three that over heard him namely by m^r Gilbert Morewood, m^r Wiseman, and m^r Spruson, the Court were much troubled therat, and held itt fitt to be complayned of to the Lords of the Counsell.

The Quarter Courte of the 15th of Ivne last was read: Wherin for so-much as itt appeared, that the Company did then in obedyence to his Ma^{ties} Letter forbear the Election of their Officers, and continue their old till this present Quarter Coort. M^r Deputy moved the Coort would now pceed to a new Choyce: w^{ch} buisines beinge taken into consideracon, Itt was att length for many important reasons thought fitt and ordered by a generall ereccon of hands (two onely dissentinge) that all the present Officers of the Company should be continued in their places vntill a new Eleccon in a Quarter Court.

M^r Deputie made knowne to the Court that since May last there haue gone to Virginia ffourteen Saile of Shipps most of them laden wth

Provisions wherin there haue been transported about the number of 340 psonns, as more pticularlie appeares by the note hee then presented and read w^{ch} is here inserted.

A note of y^e shippinge men and Prouisions sent & prouided for Virginia by y^e Right Hono^{ble}: Hen: Ea: of Southampton and y^e Comp^a & other priuate Adventurers since May last 1623 vnto this 19th of Nouember—1623.

1: The William & Iohn of	50: Tunn in May w th Provisions and	06: Persons.
2: The Iohn & frauncis of	100: Tunn w th Provisions and	10: Persons.
3: The Ann	of 040: Tunn in May w th Provisions and	25: Persons.
4: The Bonny Bess	of 090 Tunn in May w th Provisions and	60: Persons.
5: The Godsguifte	of 080: Tunn in May w th Provisions and	12: Persons.
6: The Trueloue	of 050 Tunn in Ivne w th Provisions &	25: Persons
7: The Due Returne	of 080 Tunn in Iuly w th Provisions &	10: Persons
8 The George	of 180 Tunn in Iuly w th Provisions &	70: Persons
9 The Hopewell	of 60 Tunn in Iuly w th Provisions &	15: Persons
10 The Marmaduke	of 100 Tunn in Septemb ^r w th Provisions &	30: Persons
11 The great Hopewell	of 120 Tunn in October w th Provisions &	15: Persons
12 The Southampton	of 180 Tunn in October w th Provisions &	30: Persons
13 The Returne	of 040 Tunn in October w th Provisions &	12 Persons
14 The Iacob	of 080 Tunn now goinge in Nouember w th pvisions &	20 Persons

In all 14: Sayle of Ships wth sundry Provisions and with— 340 Persons
Other Ships that also traded in Virginia this Summer & brought Prouisions thither

1: The Furtherance	of 160: Tunn—	5: The Margaret & John.	120: Tunns
2: The Bee	of 040: Tunn—	6: M ^r Gookins Ship—	080: Tunns
3: The Tyger	of 045: Tunn—	7: A Pynname of m ^r Westons.	
4: The Sparrow	of 030: Tunn—		

7 Shipps.

The Court beinge made acquainted by m^r Deputie that for sattisfinge the monney issued out of the Stocke given for buildinge of the East India Schoole intended in Virginia and employed vppō the publique buisines of the Company, the Co^mittee vppō a Treaty wth m^r Copeland thought fitt an allowance be made either in Cattle or by turninge ouer some of the Companies Tenants for the vse [356] of the saide Schoole;

Did ther vppon agree that accordinglie satisfacēon should be made by the Company to the full for the monney soe borrowed and employed.

Itt was allsoe agreed accordinge to a Treatie had wth m^r Maurice Berkley by the said Co^mittee that hee should haue his Three requests w^{ch} hee made in his Peti^{ti}ōn to the former Court: (vizt) that hee should be released and sett free from the Companies service. Sec^ondlie that for makinge of Salt hee should haue the vse of the Companies Panns in Virginia. Thirdly that hee shall haue the propor^{ti}ōn of Land sett out and assured to him and his heirs forever w^{ch} was formerlie p^romised to him and his ffather C^r.

M^r Tomlyns passed one Share of Land to m^r Edward Olliuer, w^{ch} beinge propounded in the Preparatiue Coorte and now againe and noe excep^{ti}ōn taken theratt, was confirmed vnto the said Edward Olliver and hee ther vppon admitted.

Vppon mo^{ti}ōn order was given for a Comission to be drawne vpp and sealed for William Peirce m^r: of the good Shipp called the Returne of 100 Tunns bound for transportacōn of Passengers to Virginia.

A COURTE HELDE FOR VIRGINIA ON WEDNESDAY IN
THE AFTERNOONE THE 14TH OF JANUARY—1623.

PRESENT

S ^r Iohn Dauers.	m ^r Moorwood.	m ^r Baynham.
S ^r Thomas Wroth.	m ^r Blande.	m ^r Thomlyns.
S ^r Sam: Argall.	m ^r Copeland.	m ^r Leye.
m ^r Rawleigh.	m ^r Balmforde.	m ^r Cuffe.
m ^r Alder: Iohnson.	m ^r Keightley.	m ^r Bennett.
m ^r Deputie.	m ^r Edwards.	m ^r Fra: Waterhouse.
m ^r Gibbs.	m ^r Barker.	m ^r Molyns.
m ^r Wrote.	m ^r Roberts.	m ^r Woodnott.
m ^r Io: Ferrar.	m ^r Etheridge.	m ^r Leauor.

m ^r Bynge.	m ^r Collett.	m ^r Ewans.
m ^r Palauicine.	m ^r ffreake.	m ^r Swaine.
D ^r Meddus.	Cap ^t Smith.	m ^r Budge.
m ^r Palmer.	m ^r Stone.	m ^r Nicholls.
m ^r Wilforde.	m ^r Abdey.	m ^r Iadwin.
m ^r Brooke.	m ^r Wiseman.	m ^r Caninge.
m ^r White.	m ^r Truloue.	m ^r ffelgate.
m ^r Purchas.	m ^r Swinhoe.	m ^r Withrall.
m ^r Io: Smith.	m ^r Webb.	m ^r Meuerall.
m ^r Woodall.	m ^r Widowes.	m ^r Iones.
		m ^r Rogers.

m^r Io: Gilbert.
 m^r Io: Weston.
 m^r ffaucett.
 m^r Maisterson.
 m^r Wheatlow.
 m^r Watson.
 m^r Hobbs.
 m^r Tho: Waterhouse.
 m^r Elkinton.
 m^r Sharrow.
 m^r De Lawne.
 Martin y^e Armeniã.
 Molasco: y^e Polander.
 m^r Mase.
 wth divers others to the
 number of 120 in all [357]

The Quarter Courte of the 19: of Nouember last was nowe read wherat
 some tooke excepcon, first for that themselvs deptyng before the
 rysinge of the Court, had their names sett downe in the forefront, as
 if they had been present ~~att~~ §from§ the begininge to the verie endinge
 therof Implyinge therby (as they pretended) there Assent wth the rest
 to all that passed in that Court: Secondlie in regard that beinge of a
 Contrary opynion touchinge some Proposiçons and Acts therhppō
 their names were not expreslie sett downe wher they did dissent:

Concerninge those two poynts m^r Christopher Brooke shewed how itt was the practise of all Courts and Companies whatsoever to doe as was in this case done, that the names were taken att present, w^{ch} were present att any good parte of the Court although not att the wholl, that to sett downe the number of everie mans entringe or departinge was as impossible to be observed as needless; for itt did not follow as was alleadged that everie mans actuall consent was impleyed in the Acts of y^e Court w^{ch} are founded and haue their validitie from the Consent of y^e grater ptie of the Company present; Wherefore itt was a verie needless feare that any pticuler man could be challenged for his actuall consenting to a Proposiçon passed in Court if himselfe would deny itt.

ffor the Second itt was likewise shewed how inconvenyent & contrary to all other Courts practize itt was to sett downe the names of such as differ from the rest of the Court except in some pticuler cases by speciall order of the Court or desire of the pties themselvs. Whervppon the Court did by erecçon of hands order that the wonted course should be held in both the former poyntē.

M^r Wrote likewise signified of Three things omitted in y^e aforesaid Quarter Court w^{ch} hee then offered to the Consideraçon of y^e Company when they came to the Proposiçon touchinge the surrendringe vpp of the ~~Patent~~ Companies Charters. Namely ffirst whither their saide Charters did not conteyne some things Derogatinge from y^e Kings Prerogatiue. Secondlie whither vppon a strict examinaçon there might not be found matter sufficient to shew wherein they had made a forfeiture. And lastlie whither if they should stand out in Sute wth the Kinge they were able wthout his gracious fauour and assistance to subsist and make good that great Action of vpholdinge and advanceinge the Plantation, w^{ch} things were acknowledged to be spoken by m^r Wrote as likewise the answeare to them (vizt) That the Company did not Doubt butt on a full and right informaçon of their pceedingē his Ma^{tie}: would be pleased to lett them haue his gracious fauour in more ample manner then ever. [358]

Butt the omittinge of these things was by the Court adiudged to be no defect in entringe of the former Court beinge not arguments of that nature as those y^t did conduce to the Conclusion: Yett vppō m^r Wrotes Desire itt was ordered they should be now in this Court inserted.

After this the Quarter Court beinge putt to the Question was by a generall Ereccon of hands approved to be rightlie sett downe.

M^r Deputy acquainted the Court hee had receaved a letter subscribed by some of the LL^s of the Counsell, and dyrected vnto him as Deputie of the Virginia Company: w^{ch} hee presented in Court and caused to be read the Coppie wherof doth here ensue.

After our hartie Comendacons: Wee are informed that ther is a Shipp lately arryved from Virginia, And for some causes knowne vnto vs wee doe hereby require yoⁿ to seaze vppon all the Letters as well publiq, as pryvate that come in the said Shipp and to bringe or cause them to be saffely brought vnto vs vnopened with as much expediçon as yoⁿ can wherof yoⁿ may not faile and this shalbe yo^r warfnt And soe wee bid yoⁿ hartelie farewell

ffrom Whitehall the 30th of December, 1623.

Yo^r lovinge frends,
Io: Lincolne C:s
Middlesex.

To our verie lovinge ffrend
Nicho: fferrar Deputy of the
Virginia Company.¹

Richmond Lenox.
Carlisle: Io: Brooke.
Rich: Weston.

W^{ch} letter beinge read hee Desyred the Company would generally take notice of their LL^{ps} pleasure therin, to thend that vppō the first newes of any shippes returned from Virginia their LL^{ps} might receaue speedy advertizement as was requyred.

M^r Deputie acquainted the Court that the speciall cause of callinge this present Court was ~~about~~ §vppon§ a writinge receaved from y^e Secretary of the So^mer Ilands Company w^{ch} hee caused to be read beinge as followeth.

¹The original letter, sent to Nicholas Ferrar, is among the Ferrar Papers, Magdalene College, Cambridge. For further citation, see List of Records, No. 608, Vol. I, page 186, *ante*.

ATT A COURT FOR THE SOMER ILANDS HELDE AT SR
THOMAS SMITHS HOUSE THE 5th OF JANUARY—1623.

[359]

This Court takinge into Consideraçon the necessitie of some p̄sent course to be taken for the ventinge of their Tobacc^o wthout w^{ch} they conceaue itt impossible for the Plantation to subsiste, And fyndinge that itt noe lesse concerns the Plantaçon of Virginia to make provision in the same kinde. Haue thought fitt to desire the Deputy of the Virginia Company to call a Court and to make knowne vnto them that they are desyrous to conferr wth them therin, And for that purpose haue nominated a Com̄ittee who shalbe redie to giue meeting to any Com̄ittee whome they shall appoynte seriously to advize therof w^{ch} they desire may be some time this weeke, and if they shall thinke good att the house of S^r Thomas Smith or any other indifferent place they shall make choyce of. Wherein they nothinge Doubt of their redy willingnes as the importance of this buisiness (equally concerninge the good of both Plantaçons) doth necessarilie require.

Edw: Waternouse Secre^t.

Vppon the readinge wherof m^r Withers tooke excepçons att the pap beinge intituled as an Act of the Somer Ilands Company, w^{ch} hee conceived had not mett since their last beinge att ffounders Hall As for the Assemblies att S^r Thomas Smithes hee did doubt for his pt whither they were Vsurpations vppon the Gouvern^t rather then the Lawfull Courts of the Company; In w^{ch} Proposicon itt seemed hee was by divers others seconded, and on the Contrarie some alleadged that S^r Thomas Smith was Confirmed Gouverno^r by the Kings letter: W^{ch} m^r Withers answered hee was ignorant of. Butt the Virginia Company desyred this question might be silenced now in their Court and lefte to the tryall of themselvs att the next Somer Ilands Quarter Courte. Butt for the matter in hand the Court desyred that the Proposiçons of the Somer Ilands Adventurers might be pduced, w^{ch} m^r Edwards acknowledged to haue in writinge Butt desyred that the Company would first appoynte a Com̄ittee before they heard the Proposiçon: W^{ch} kinde of course seemed verie strange to the Court and contrarie to all former presidents, that they should appoynt a Com̄ittee wthout some light of y^e pticularities and therevppon much Dispute arysinge on each partie, itt was by divers held vnfit to meddle wth any new Proposiçon, butt to reserve all to the Parliament now att hand; who haueinge att their last sittinge out of their love to Virginia butt much mo^re out of their care of the wellfaire of this kingdome,

sett a verie good course concerninge the Tobaccoes of the Plantaçons, itt was to be hoped vppon the same ground itt might be now fully effected w^{ch} was then lefte vnpfect; besides consyderinge the vncertaine State the Company stood in, itt Did not seeme either saffe or reasonable to begin a new treatie. [360]

Yett never the lesse that there might be noe shaddowe of Scandall vppon the Company as if out of willfullnes they would neglect any thinge that might tend to the good of the Plantaçons although the strangness of m^r Edward^e Demaunds w^{ch} hee and some others resolutely made to haue a Co^mittee named before hee produced his Propositions, was the more increased by the speeches of m^r Edward^e and m^r Wrote, who affirmed that the So^mer Ilands Companies Propositions were soe vncertaine & onely in Imaginaçon as theris as much expectaçon to haue some Proposition from y^e Virginia Co^mittee as from themselvs: and m^r Edward^e affirmed that the Co^mittee should vnderstand that pryvately w^{ch} is not fitt to be publicquely made knowne: Yett nevertheless to gayne knowledge of their Propositions, the Court did by erec^on of hands order that without Preiudiceinge the Question whether they from whome these Propositions came were the lawfull Company of y^e Su^mer Ilands, there should be a Co^mittee appoynted by this Court to giue them a meetinge, and if they thinke fitt to debate the matters propounded: butt not to conclude any thinge, butt to reserve all entire to the Preparatiue Courte:

Whervppon m^r Edward^e produced a pap beinge as followeth.

At a Su^mer Iland^e Coort y^e 13: Ianuarij 1623.

The grounds or reasons w^{ch} induce y^e So^mer Iland^e Company to desire a meetinge wth y^e Virginia Company

They Conceive and vppon full Debate haue by erec^on of hands resolved.
ffirst

That the Plantaçon cannott subsist butt by a better vent of their Tobacco then formerlie they haue had.

Secondly.

That noe ease of Custome or any other course that wee can devise will serve to vent the saide Tobacc^o as aforesaide, butt onely by prohibit-

inge all fforraigne Tobacc^o and forbiddinge y^e planting of itt at home, Soe as there may no other Tobacc^o he vented in England butt such as shalbe of the groweth of Virginia and the Su^mer Islands—

Edw: Waterhouse Secr^e:

W^{ch} beinge read there was some exception taken att the first that itt was too absolutely sett downe: for they did not doubt [361] butt Virginia would shortlie subsiste vppon farr better Co^modities then Tobacco: And for the Second they were of opinion that wthout exclusion of fforraigne that of the Planta^cions could never be well vented: And the Court n^oiated for their Comittee, S^r Iohn Dauers, m^r Deputie, m^r Wither, m^r White or m^r Iohn Smith, and m^r Casewell who were desyred to giue the So^mer Ilands Aduenturers a meetinge att Grocers Hall att such time as S^r Thomas Smith should appoynte vpp^o a dayes warninge before to the intent formerlie expressed.

M^r Woodall presented to the Court an Order of the LL^a of the Counsell Dated the 8th of December last w^{ch} was now read The Coppie wherof doth here ensue.

Att Whithall the 8: of December 1623¹

Present

Lord Keeper.	Earle of Kelly.
Lo: Treasuro ^r .	Lo: Visc ^t Grandison.
Lo: President.	Lo: Chichester.
Lo: Pryuie Seale.	m ^r Treasurer.
Lo: Stewarde.	m ^r Secr ^t : Caluert.
Ea: Marshall.	M ^r of y ^e Rolle
Lo: Chamberlain.	

There was this Daie read att the Board a Peti^cion in the name of sundry Adventurers & Planters of y^e Virginia Plantations Complayninge that wheras sundry of them are willinge to surrender vpp their Patent for poynt of Gouverment, his Ma^{tie} takinge care to preserve everie mans pticular Interest as hath been requyred by his Ma^{tie}: and that divers others of the said Company refusinge to conforme themselves to his Ma^{ties} pleasure are p^{ro}ceeded against by m^r Attorney Generall by a writt of Quo war-ranto that they yett haue made an Order in Court that the charge of their Defence

¹ This order is entered in the Colonial Entry Book, Vol. 79, p. 209, Public Record Office. See List of Records No. 599, Vol. I, page 185, *ante*.

shalbe borne by the publiq^y Stocke to the preiudice as is conceived of those others who are willinge to surrender ||vp|| the Patent: Itt was this day Ordered that all they who are questioned in ye said Quo warranto shall make their Defence att their owne pticuler charge wthout any help or dispendinge any pt of the publiq^y Stock in that case; And that such as are willinge to surrender shalbe discharged from all contribucon towards the expence of the saide sute both in their psons and their goods.

Ex^t Willia Beecher [362]

W^{ch} beinge Read m^r Deputie signified that this Order as appears was grounded vppon a Petiçon presented to the LL^s of the Counsell by Alderman Iohnson and others, att the same time himselfe and §some§ others of the Company were Comaunded to attend their LL^{ps} att Whitehall and were present: of W^{ch} Petiçon haueinge obteyned a Coppie hee prayed might be read, the Coppie wherof doth here ensue.

To the Right Hono^{bles} the Lords of his
Ma^{ties}: most Hono^{ble} priuie Counsell.

The humble Petiçon of sundrie the Adventurers and Planters
of the Virginia Plantation.

Sheweth: That they haueinge been allwaies readie and are still willinge accordinge to his Ma^{ties}: expresse will and pleasure to render vpp their Patent to be att his Ma^{ties} Disposinge, so farr as any way concerneth themselvs for poynt of Govern^t:

Butt forasmuch as m^r Nicholas fferrar and some others doe wthstand and shew themselvs opposite therin and for their better enhablinge to oppose his Ma^{ties}: and to ffree themselvs from the charge of sutes haue latly made an order in their Court that the charge of defendinge their cause shalbe borne by the publiq^y Stocke of the Company.

Against whose contempt m^r Attorney Generall doth now pceed by writt of Quo warranto, in his Ma^{ties}: Court of the Kings Bench.

They humbly pray that itt may be ordered by yo^r H^{ps} that all the charge & expence occasioned by these sutes may be borne and expended by themselvs that are defend^{ts} and opposites in the cause, and no pt therof by the Companies publique Stocke nor by the goods of any the Adventurers and Planters y^t shew themselvs conformable. And allsoe to

Order for better assurance in this poynte that all such goods and publique Stocke as shall hereafter be imported for the Generall Company may be sequestred in the Custome house till yo^r Lo^{ps} shall further Order for the Disposinge therof to y^e Plantacons vse.

And they shall ever pray for yo^r H^{ps} C^r.

W^{ch} beinge read m^r Deputie signified further that although y^e Petitioners did earnestly labour and presse that all the Companies goods that should com from Virginia might be sequestred and deposited in his Ma^{ties}: Custome house, yett their L^{ps} noble favour & Iustice was such as not to thinke itt equall or reasonable soe to doe. Whervppon itt pleased their Lo^{ps} to order no otherwise vppō their Petiçon then as they had heard by the Order now presented & read and to leaue the goods of the generall Company free w^{ch} the [363] Peticoners Desyred to haue sequestered (as hee conceived) purposelie to deprive himselfe and his Brother and those other to whome y^e Company had made over such goods for securitie of y^e great Sum^s due vnto them.

A mo^{cion} was made and generally thought fitt to be referred to the Considera^{cion} of the Grand Co^mittee to thinke on some course for movinge his Ma^{ties}: Co^mmissioners that they would please to certifie and make some reporte to y^e LL^s: of the Counsell what they haue done in the severall buisinesses brought before them by the Company of Virginia and their Opposers that itt may appear to what heads and issue they haue brought the same, assuringe themselvs that therby the Iustnes & fayrnes of the Companies p^{re}cedings would be manyfest to all the world.

M^r Deputie propounded the passinge of these shares followinge (vizt)

One Share from m^r Georg Nuce to m^r Edward Ryder.

One Share from S^r Iohn Thornburrrough to m^r Richard Wither.

One Share from m^r Laurence Maisterson to m^r Iames ffletcher.

Two Shares from m^r Richard Casewell to m^r ffurzeman.

One Share from m^r Fra: Carter to m^r Mathias Hardinge.

A PREPARATIVE COURT HELD FOR VIRGINIA ON MUNDAY
IN Y^r AFTERNOONE THE SECOND OF FEBRUARY—1623.

PRESENT

S ^r Iohn Dauers.	m ^r Barbor.	m ^r Hobbs.
S ^r Rob: Killigrue.	m ^r Casewell.	Cap ^t Brewster.
m ^r Deputy.	m ^r Cuffe.	m ^r Mace.
D ^r Meddus.	m ^r Baynham.	m ^r Newport.
m ^r Iohn Ferrar.	m ^r Wither.	m ^r Buck.
m ^r White.	m ^r Ryder.	m ^r Norwood.
m ^r Bynge.	m ^r Molins.	m ^r Berkley.
m ^r Bromfeilde.	m ^r Palaucine.	m ^r Robert ^e .
m ^r Wriothsley.	m ^r Silua: Taylor.	m ^r ffreak.
m ^r Balmforde.	m ^r Webb.	m ^r Meuerell.
m ^r Copelande.	m ^r Edward Waterhouse.	m ^r Hackett.
m ^r Morris.	m ^r Swayne.	m ^r Berblock.
m ^r Morewood.	m ^r Sparrowe.	m ^r Collett.
	m ^r Wheate.	
	m ^r Wheatley.	
	m ^r Oliuer.	
	m ^r Etheridge.	
	m ^r Tucker.	
	Cap ^t Bargraue.	
	m ^r Wiseman.	
	m ^r Aldin.	
	m ^r Woodall.	
	m ^r Barkham.	
	m ^r Whitcombe.	
	w th divers others	
	to y ^e nomb of 60	[364]

The Court of the 14th of Ianuary last was now read: Wherin forasmuch as ther was observed an Omission of one mayne matter then ppounded

and referred to the Grand Committee to move vnto his Ma^{ties} Comissioners namely that wheras S^r Tho: Smith stands not onely charged but as the Auditors and other Committees conceaved dyrectlie proved to be indebted vppon the Two first heads of excep^{cion} against his Accompts the Summe of 800^{li}: That either S^r Tho: Smith might shew sufficiente^r cause then by his Answere hee alleadged, and to w^{ch} the Auditors and Committees had made reply, or otherwise be caused to pay in y^e said monneys to the Company in this extreame necessitie of want.

Itt was this day ordered by erec^{cion} of hands that this addi^{cion} should be inserted in his due place in the former Court and referred as formerly: Wth w^{ch} Addi^{cion} the said Court beinge putt to the Question was by a generall erec^{cion} of hands approved to be rightlie sett downe.

A mo^{cion} was made that m^r Deputie fferrar might haue his Quietus est att this next Quarter Court his Accompts haueinge been Audited and approved of by the Audito^{rs} and Committees and layne their Due times appoynted in open Court and noe excep^{cion} taken vnto them. And further that the Company in thankfull acknowledgment of their approba^{cion} and good acceptance of his longe and faythfull service both before and in the tyme of his Deputyshipp would please to bestowe vpp^o him Twenty shares of Land old Adventure as was propounded att the last Quarter Court the like haueinge been then graunted to the Earle of Southampton and other precedent Officers for their extraordinary well Deservings as may appeare: Which Mo^{cion} was generally well approved and thought verie fitt and therivppon the Court entreated S^r Iohn Dauers to putt both requests severally to the Question w^{ch} hee did and soe by a generall erec^{cion} of hands no one Dissentinge Itt was agreed & ordered ~~and~~ that m^r Deputy should haue his Quietus est att this next Quarter Court passed vnto him vnder the Companies Seale As also a graunt of 20 shares of Land old Adventure in as ample manner as formerlie vnto the Earle of Southampt^o or any other. And therivppon gaue order to the Secretarie to prepare fitt draughts for the Seale against y^e Quarte^r Coorte.

The Shares passed in the former Court of ye 14: of Ianuary were now againe propounded by m^r Deputie (vizt)

One share from m^r Georg Nuce to m^r Edward Ryder. [365]

One share from S^r Iohn Thornbrugh, to m^r Richard Wither.

One share from m^r Law: Maistereson to m^r Iames ffletcher.

Two shares from m^r Richard Casewell to m^r ffurzman.

One share from m^r ffrauncis Carter to m^r Mathias Hardinge.

All w^{ch} Shares no man takinge excep̃on against the passinge of any of them m^r Deputie putt them severally to the Question and the Court by erec̃on of hands Confirmed them vnto the seuerall pties and ordered thervppō that they should be admitted.

M^r Hackett moved for passinge of one share vnto m^r Io: Barnard a verie sufficient Marriner and now in Virginia w^{ch} share hee said was heretofore propounded in Court butt omitted as itt seems to be entred in the Court booke Whervppō y^e Court generally assented to the passinge therof vnto y^e said Iohn Bearnard.

M^r Deputie did now propound the passinge of Two shares from m^r Gabriel Barbor to m^r Georg Rolfe.

And further acquainted the Court that one m^r ¹ Dyott the sonne of m^r Anthony Dyott desired to be admitted into the Company as his ffathers heire of Two shares w^{ch} hee had paid for long agoe.

M^r Deputie acquainted them that the Auditor^{rs} haueinge pvsed the Accompts found the said m^r Anthony Dyott indebted vppō subscrip̃on 12^{li}: 10^s: w^{ch} the Court adiudged to be a barr that his heir could not alienate the Land to a stranger butt not to hinder his admittance into the Company in that right: Wherefore the Court were willinge hee should be admitted the next Court in regard they vnderstood him to be a gentleman of good worth and learned in the Lawe.

Vppon m^r Berkleys request for the vse of the Companies Salt Panns in Virginia accordinge to a former Order: The Court hath pmised itt

¹ A blank space in the manuscript.

shalbe recommended to the care of y^e Gou⁹nor in Virginia in their generall letter to see itt pformed vnto him.

And as touchinge his further request that the 800: Acres of Land graunted hertofore to his ffather and himselfe might be passed and confirmed vnto him (now his ffather is dead) vnder the Companies seale, the Court ordered a Patent therof to be drawne vpp for him against the Quarter Court. [366]

M^r Deputie acquainted the Court that the Differences betweene the Company and Cap^t Martin beinge now well Composed; Itt had pleased the Counsell for Virginia vppon his humble request and att the entreatie of his Ma^{ties}: Co^mmissioners at their last sittinge to write a verie fauorable letter in his behalfe to the Gouerno^r and Counsell of Virginia the Draught wherof the Comissioners had seene and well approved as also Cap^t: Martin himselfe w^{ch} letter beinge now presented to this Court the same was read; the Coppie whereof doth here ensue.

After our verie harty Comendacons

Wee cannott Imagine but y^t y^e report of some Differences between vs and Cap^t Martin haue com vnto yoⁿ, the ground wherof was his Patent, to y^e reversinge wherof our care to y^e publiq good onely psuaded vs, and wee conceave that nothinge but the too much love therof, esteeminge itt a great losse transported him to some further opposicon against the Company, butt these thinge are now composed, and as wee haue graunted him as ample a Patent as wee can, soe wee haue forgotten wth a sylence never to be remembred, all the passages therof, And hee now departs from vs wth the Actuell possession of our loves, and a settled intention in us §to§ affered him such further favours and benefitts as wee shalbe able vppon the setlinge of our affayres.

Wherefore wee desyre that hee may be receaved of yoⁿ wth that respect and love §as§ our earnest recomendacons doe require and his antient and continued endeavours both of pson and purse to the Plantacon doe deserve, and in pticuler y^t the land & seat formerly possessed by him may be entirely restored vnto him as pt of that larger Divident by our new graunt bestowed vppon him, and that neither himselfe nor any of his Plantacon be drawne from their worke except for the necessary Defenc and such other important occasions as shalbe §for§ the publike weale of the whole Collony.

And wheras hee hath made comp^t of Divers wronge susteyned both before and since his cominge from Virginia especially by S^r Georg Yeardley wee verie

earnestly recomēd vnto yoⁿ y^e Gouerno^r and Counsell y^e carefull examinaçon and speedie redressingē, of all such wrongē iniuries or losses as hee shall Duely prove, And herin wee desire yo^r more then ordinary care and to the intent that wee may remayne the better sattisfied herin wee Desire yoⁿ that by the first returnes of shippinge after his arrivall yoⁿ send vs a full Accompt of all yo^r pceedingē herin: And soe not Doubtinge of such good pformance herin as yo^r respect to vs doth assure wee bid yoⁿ hartilie farewell.

Yo^r verie loving frends

Pembrook.	Wm Pagett.	Ro: Killigrue.
Mountgomery.	Iohn Dauiēs.	Iohn White.
Wm Cauendish.	Hum: May.	Nicho: Ferrar Dep ^{ty} . ¹

M^r Deputie further signified that vppō Cap^t: Martins earnest sute vnto him for some of the Companies Peeces to carrie with him to Virginia: hee had delivered him Twelue as allso Six head Peeces, for w^{ch} hee had since sent him a letter of thanks, all of them provinge soe well to his likinge as hee had altered their Lockē, and made them serviceable to March wthall. And was further Desyrous to haue some more of them.

Whervppō the Court beinge willinge to pleasure Cap^t Martin in any thing they could wth convenyencie did generally agree [367] to giue him the said 12 Peeces and head Peeces as allso 8 more Peeces to make them vpp Twentie.

Butt wheras hee further Petiçoned y^t the Company would be pleased in his behalfe to giue their securitie vnto ||one|| m^r Tatem for Certaine Notts hee should take vpp of him att a years day of payment: The Company findinge themselvs divers wayes allready much engaged and doubtinge besides wither their Securitie wilbe accepted as nowe things stand did not thinke fitt to make any such offer.

Molasco the Polander Petiçoninge for such monney hee said his Ma^{ties}: Comiſsioners found due vnto him from the Company, was answered y^t the Company had made itt appeare by their answer to y^e said Comiſsioners that hee was not to be sattisfied from them butt from such

¹The letter is also in the Library of Congress among the Manuscript Records of the Virginia Company, Vol. III, Part II, p. 71. It is dated February 4, 1623/4. See List of Records, No. 623, Vol. I, page 188, *ante*.

as haue receaved great allowances from the Company for sattisfacōn of him and the rest of the Polanders as appeared vppō the Companies Accompts, And namely from m^r Woodall whom the Comissioners p^mised to examyne vppō Oath touching the said monneys, vnto whome the Petiōer was to repayre to know what they had done therin.

M^r Garrett Weston petiōninge the Court for 300: Acres of Land wherof 100: is Due vppon his bill of Adventure of 12^u: 10^s: 00^d paid into the Companies Treasurie and the rest for the Transport of fower servants att his charge. The Court hath ordered that if itt shall appeare by the husbands booke that hee paid for the Transport of soe many psons hee shall together with the share of Land due for the said Adventure haue the aforesaide psonall shares allowed him.

Richard Willaston petyconinge likewise for the Lands Due vnto his Vncle Hugh Willastone as his imeadiate heire who dyed in Virginia wthout issue, as allso for his psonall Share and for one servant transported at his charge: The Court ordered that vppō due prooffe made of the pticulers hee shall haue his iust proporōn of land allowed him as allso for such servant^e as hee shall transport as is Desyred.

M^r Deputie signified hee had receaved a lre wth a Petiōn enclosed from one Mathew Somers Prysoner in y^e Kings bench w^{ch} Petiōn hee presented and read, wherein hee prayd that wheras his Ma^{ty}: Comissioners did treat wth m^r Dep^{ty} fferrar for alottment of soe much land as was found Due vppō [368] Accompt vnto his Vncle S^r Georg Sandys §Sommers§ beinge 475^u and y^t the same was to be made ioyntlie betwixt the Petiōner and Nicholas Sandys §Sommers§ his Brother, that therefore hee might haue a Patent for soe much as belonged vnto him, touching w^{ch} the Court conceaved they had noe more power to give the Petiōer the one halfe of the said Lands then they had to give him all seeing the right thervnto belonged onely to the ~~other~~ ||elder||.

ATT A QUARTER COURT HELD FOR VIRGINIA ON
WEDENSDAY IN THE AFTERNOONE THE 4TH OF FEBRUARY
1623

PRESENT¹

m ^r Deputie.	m ^r Watson.	m ^r Brenson.
m ^r D ^r Gulston.	m ^r Robins.	m ^r Truloue.
m ^r D ^r Meddowes.	m ^r Colte.	m ^r Elkin.
m ^r Cory Rawleigh.	Capt Martin.	m ^r Norwood.
m ^r Iohn Smith.	m ^r Xofer Martin.	m ^r Seaward.
m ^r Iohn Ferrar.	m ^r Tatam.	m ^r Berblock.
m ^r White.	m ^r Bolton.	m ^r Mullens.
m ^r Tomlins.	Capt Baly.	m ^r Barbor.
m ^r Garrett.	m ^r Widdowes.	m ^r Aldin.
m ^r Binge.	m ^r Purcas.	m ^r Wriothsly.
m ^r Edw: Waterhowse.	m ^r Ley.	m ^r Newport.
m ^r Reamant.	m ^r Meuerell.	m ^r Sylvanus Talor.
m ^r Barlowe.	m ^r Mace.	m ^r Tho: Waterhowse.
m ^r Boothby.	m ^r Kightlie.	m ^r Cuff.
m ^r Bull.	m ^r Rolf.	m ^r Freake.
m ^r Wheate.	m ^r Strainge.	m ^r Fletcher.
m ^r Barkham.	m ^r Forsett.	m ^r Pallavicine.
	m ^r Southerne.	m ^r Sheppard.
	m ^r Delawne.	m ^r Wiseman.
	m ^r Balmford.	
	m ^r Copland.	
	m ^r Bennett.	
	m ^r Roberts.	
	m ^r Strainge.	
	m ^r Collett.	
	m ^r Tucker.	

¹ The handwriting of the first part of this court is that of the first copyist.

m^r Iadwin.
 m^r Fawcett.
 m^r Geo: Scott.
 m^r Buckeridge.
 m^r Io: Elkin.
 m^r Olliuer.
 m^r Moreward.
 m^r Fothergill.
 m^r Francis Waterhowse.
 m^r Stone.
 m^r Hackett.
 m^r Budge.
 m^r Kerrill.
 m^r Russell.
 wth diuers others.

The p̄paratiue Courte of the second of this Moneth was read Wherein for as much as Captaine Baly (nowe p̄sent) seemed not well satisfied wth the answeare then giuen to Captaine Mathewe Sum̄er̄ petiçon and request, for that the Company had declared It was not in their power to allyenate any pte of S^r George Som̄ers (his vncles) estate or title to land̄ in Virginia ~~for as much~~ from the right heire w^{ch} is ||the oldest|| by the Cōmon lawe of England, & that much lesse could they make any Iointe Conveyance thereof vnto the pet^r & his brother Nicholas as was desired: In w^{ch} opynion this Courte also did concurre as beinge a Cleere case & wthout question: Notwthstandinge to satisfie the ymportunitie of Captaine Baily in the Peticone^{rs} behalf, it was nowe againe put to y^e question by M^r Deputy And therevppon by a gen^lall erecçon of hand̄ it was ordered that S^r George Sum̄ers land̄ in Virginia (due vppon his Adventures) should bee reserved entirely for the right heire accordinge to y^e Course of the Cōmon Law & Custome of this Courte. [369]

And whereas Capt. Baily moued farther that some consideraçon might be given to the saide Mathew Sum̄ers (as Executo^r to the saide S^r George Sum̄ers his vncle) for certayne good̄ w^{ch} hee the saide S^r George

had putt into the Magazine in Virginia about 14 yeares since, at what tyme Capt Tucker was Cape m⁹chant for the Company as namely a gowne prised at 40^{li} In plate valewed at about 100 marks, and the rest in bread, sack & meale, to a good valewe there employed & spent for the generall releif of the Colony, then in great distresse, whereof the sayd Capt Martin tooke a p^ticular Inventory by Com⁹mandem^t of the Counsell whoe beinge nowe p^{re}sent & asked, seemed to remember as much.

The Courte taking this into Considera^on & vpon debating of the matter although they conceaued a greate p^te of the §aforesaid§ good℥ (as namely the gowne & plate) could not yeild that benifitt & releif to the Colony (as was alleadged) being then in want of victuall only: And although it was further also informed that Capt Tucker the then Cape m⁹chant for the Company had brought noe such good℥ to y^e Companies Accompt: yett to satisfie Captaine Bailies Demaund℥ in the Peticoners behalf they haue desired the gen⁹all Com⁹mittee, togeather wth y^e Auditors, to meete & examine Captaine Tuckers Accompt or any other accompt or writing that can be produced to make it appeare whither y^e said good℥ were imployed for the Colonies vse or not rather appropriated (as is supposed) to some mans private benifitt only.

And whereas it was likewise further moued by Captaine Baily that Mathew Su^mers might be considered for the Ambergrese found longe since in the Sumer Iland℥ by certaine p^{er}sons transpo^ted thither by S^r George Su^mers & there lefte for discou^{er}y of those Ilands: Hee was answered that neither this Courte nor Company had to doe wth it, but he ought to haue complayned to y^e Su^mer Ilands Company: vnto whome it was also well knowne that S^r George Su^mers himself was then sett out at their chardge though hapily he might haue some adventure wth them in that voyadge.

The Quarter Court of the 19th of Nouember last was read & in reguard itt was approued by the former Courte to be rightly sett downe, it was not nowe put §to§ the question.

The Quietus est appointed by the last Court to be drawne vpp for m^r Deputie against this day for the seale. As also the graunte of 20 shares of land w^{ch} that Courte had giuen him as a testimonie of their good approbacon of his service & in a thankfull acknowledgemt of his extraordinary well deservinge of the Company & Plantacon, were nowe both presented in Courte & reade. And beinge approued wthout any mann⁹ of excepcon taken vnto them: It pleased y^e right ho^{tns} the Lorde Pagett at the entreaty of the Courte to putt them both to question & so passe by a gen⁹all ereccon of hands noe one dissentinge wth order for the sealing of them, ||The copies of both w^{ch} do here ensue.|| [370]

The¹ Treasurer and Company of Aduenturers and Planters of the Cittie of London for y^e first Colony in Virginia To all to whome these presents shall com Greetinge.

Wheras Nicholas fferrar of London gent now Deputy of the said Company hath by one booke of Accompts of his Office of Deputiship extendinge from the two & twentieth day of May 1622: till the 12th day of May—1623 and ||by|| one other Accompt from the twelke day of May 1623 vntill the eighteenth day of Nouember last, exhibited vnto the Courts of the said Treasuro^r and Company a true and pfect Accompt of all monneys by him received for the vse of the said Company duringe the time of his Office aforesaid. In w^{ch} Accompt^l hee hath allso pticularly declared how the said Monneys haue been Disbursed and expended for the vse of the said Company by lawfull warrants with the Receipts endorsed or subscribed vnder the said warrants or in Bookes for that purpose: W^{ch} Accompts accordinge to the orders of the Company, haue been Duely examyned Audited and approved by the Audito^{rs} and Comittees of the said Company as appeareth vnder their hands, and afterward the said Booke of Accompt^s haue layen openly on the Table in the Courte of the said Treasuro^r & Company duringe the times in the said Companies Orders appoynted, and noe excepcon hath been taken vnto them. The said Treasuro^r and Company therfore accordinge to their Orders in that case established att the instance and desire of the said Nicholas fferrar, haue for them and their Successo^{rs} acquitted and discharged, and by these presents doe forever acquitt & discharge the said Nicholas fferrar his heirs executo^{rs} and Administrato^{rs} of and from all and everie the said Monneys by him Receaved, And of and from all further Accompt by him to be rendred for the same, and of and from all Actions Suites, and Demaunde, for or by reason of the monneys or Accompt^l aforesaid: In Witness wherof the saide Treasuro^r and Company haue herto

¹ The handwriting returns to that of Thomas Collett at this point.

caused their Legall Seale to be affixed Given in a great and generall Quarter Court of the said Treasuror and Company held the fourth day of february 1623. And in the years of the raigne of our Soueraigne Lord Iames by the grace of God king of England, Scotland, ffrance and Ireland Defender of the fayth C^r (vizt) of England. ffrance and Ireland the one and twentieth and of Scotland the Seven and fiftieth.

This Indenture made the fowerth day of february 1623 and in the years of the raigne of our Sovereaine Lord Iames by the grace of God kinge of England, Scotland, ffrance and Ireland defendour of the fayth C^r the one of and Twentieth and of Scotland the Seaven and fiftieth. Between the Treasuro^r and Company of Aduenturers & Planters of the Cittie of London for the first Colony in Virginia of the one partie and Nicholas fferrar of * * * * * Witnesseth that wheras the said Nicholas fferrar aswell in his place of Deputy as likewise in y^e many imployments hee hath vndergone for the service of vs the said Company in all part^e of the buisness incident for the prosperinge and vpholdinge of the Plantacon of Virginia, and hath psecuted our said service wth such continuall fayth and industry, as if his educacon expence of his time and good pt of his Estate had been ordayned ther vnto, as by the ample testimony of his carryage and by his laborious sustentacon of exceedinge care and paynes through the many troubles w^{ch} haue befallen the Company in the time of his employment hath appeared to the generall sattisfaccon of the Company and apparant high desert of the said Nicholas fferrar. Know yee y^e wee the said Trer and Company haueinge ordered to give him y^e greatest guifte of Lands, that by the Lawes and constitucions of vs the said Company may be allowed in such cases of our iust acknowledgment and thankfullnes vnto him; Doe by these p^sents give and graunt to the said Nicholas fferrar his [371] his heirs and assignes for ever Twenty Shares of Land Old Adventure in Virginia to be taken in such place (noe others right beinge ~~seu~~ prejudiced) and at such time as hee or they shall thinke fitt: To be held by him and them with all those pryveleges freedoms and immunities w^{ch} belonge to Shares of Old Adventure for w^{ch} Twelue pound^e tenn shillings hath been paid: And forasmuch as all the Accompts of Receipts and Disbursment^e, due and by him to be given in accordinge to the seuerall waies of his said imploy^{mt} haue been soe iust and pfect as noe man could be supposed to haue or make any iust excepcon ther-vnto. Wee haue likewise ordered hee shall haue his Quietus est acknowledg-inge him the said Nicholas fferrar worthy of much more regaurd then at this present the estate of the said Company is well able to afford: In Witness and Confirmacon wherof the said Treasuro^r and Company to the one part of this Indenture haue sett their Legall and Common Seall And to the other part therof the said Nicholas fferrar hath sett his hand & Seale. Giuen in a great and generall Quarter Court of y^e said Treasuro^r and Company the day and year first aboue written.

There was also presented a Graunt of 800: Acres to m^r Maurice Berkley form^{ly} given to him and m^r Iohn Berkley his ffather (since Deceased) in reward of their service vppon the Iron Workes in Virginia, w^{ch} Graunt beinge drawne vpp by the apoyntment of the last Court was now read approved and ordered to be sealed being as followeth. [372]¹

Wheras there was a Co^mittee appoynted the 14th of Ianuary last to ioyne & Conferr with a Summer Island^e Co^mittee about settlinge some course for better ventinge of Tobacc^o of both the Planta^{co}ns; Itt was now thought fitt and ordered that seeings the So^mer Iland^e Company had neglected all this while to giue them a meetinge, although itt pceeded meerlie att first from their mo^{co}n & request (as by the said Court appears) that the said Virginia Co^mittee for Tobacc^o and their authoritie should now cease and determine.

fforasmuch as itt was informed by m^r Deputy that the Grand Co^mittee had not as yett thought on any course for movinge his Ma^{ties}: Comissioners to make some Report to the Lords of the Counsell, what they haue done in the seuerall buisinesses brought before them by the Company of Virginia & their Opposers wherby the iustnes and fayreness of the Companies proceedings might be manyfested to all the world. The said Co^mittee were intreated by this Coorte to meete about itt on ffryday next in the afternoone at m^r Deputies house. And they are likewise entreated to take care that the Comissioners be further moved to require S^r Thomas Smith either to shew a sufficient answere why hee is not to pay the 800^{li}: charged vppon the first two heads of excep^{co}n against his Accompts or otherwise be caused to pay in the said monneys to the Company beinge now in great want therof.

M^r Waterhouse Peti^{co}n and request for some Considera^{co}ns of his paines and time spent in the Companies service for two years and a halfe past was referred to the Audito^{rs} and Co^mittees to deliver their opyneons what they shall thinke fitt to be done therein.

The seuerall Shares propounded at the Last Court, were now put to y^e question and ratefyed and thervppon the pties were admitted to sett in Court.

¹ A space was left for the insertion of this grant.

A COURT HELD FOR VIRGINIA ON WEDNESDAY IN Y^e AFTERNOONE
THE 21TH OF APRILL—1624.

||PRESENT||

Earle of Southampton.
Lord Cauendish.
Lord Pagett.
S^r Edwin Sandis.

S^r Iohn Dauers.
S^r Lawrence Hide.
S^r Iohn Treauor.
m^r Garrett.
m^r Rawleigh.

m^r Deputy
m^r Nicho: Hide.
m^r White.
m^r Iohn fferrar.
m^r Blande.
m^r Scott.
m^r Pallavicine.
m^r Hobbes.
m^r Casewell.
m^r Sheppard.
m^r Trueloue.

m^r Copeland.
m^r Sharrowe.
m^r Balmeforde.
m^r Webb.
m^r Robert^e.
m^r Swinhowe.
m^r Baynham.
m^r Rider.
m^r ffelgate.
m^r Bennett.
m^r Morris.

m^r Widdowes.
m^r Purchas.
m^r Collins.
m^r Biddolph.
m^r Nichol^e.
m^r Lee.
m^r Waterhouse.
m^r Newporte.
m^r Hurd.
m^r Bearblock.
m^r Meuerell.

m^r Hackett.
m^r Buckrldge.
m^r Seldon.
m^r Widdowes.
m^r Swaine.
m^r ffreake.
m^r Cuffe.
m^r Etheridge.
m^r Jefferson.
m^r Perry.
m^r Capps.

Wth divers others to y^e number of about
90 psons. [373]

M^r Deputy acquainted the Court hee had received by the George lately returned from Virginia a Packett of fers: enclosed in a Box, w^{ch} beinge dyrected to the Earle of Southampton Treasuro^r hee sent to his Lo^p: w^{ch} his Lo^p: haveinge pvsed had returned back vnto him: Since w^{ch} time noe Courts had been kept in regaurd of this buissie time of Parlyament, and for that little or noe occasion till now, was offered of callinge a Court. Whervppō y^e generall letter from the Gouverno^r and Counsell of Virginia vnto the Company here was read: bearinge date at Iames Citty the 29: of Ianuary—1623.¹

Next was read a letter from S^r ffrauncis Wyat the present Gouverno^r of Virginia dated att Iames Citty the Second of ffebruary 1623 breiffie relatinge the manner of proceedinge against the Saluages in divers places and by what Commaunders the service was pformed; And hopeth that in the generall Assembly now called in Virginia some good order wilbe taken to maynteyne an Army for securinge of the wholl Collony.

M^r Deputy signified of certaine other paps that came inclosed in y^e aforesaid Box w^{ch} were read wherof one conteyninge certaine examinaçons touchinge a difference betweene m^r Pooley and m^{rs} Iourdan referred vnto the Company here for answere, beinge read the Court entreated m^r Purchas to conferr with some Civilians and advise what answere was fitt to be returned in such a case.

This Done m^r Deputy signified that the cheife occasion of callinge this Court was to acquainte them with a Petiçon exhibited vnto the Kinge by certaine Planters lately com from Virginia, w^{ch} his Ma^{tie}: haveinge referred to the Lo: Treasuro^r and m^r Chauncello^r of the Exchequor itt was now com with their Refference vnto the Company for answere vnto as much therof as Concerned the Company The Coppie of w^{ch} Petiçon doth heere ensue.

To the Kings most Excellent Ma^{tie}: The humble Petiçon of Iohn Boyse, Richard Brewster, Henry Wentworth, Williã Perry, William Best and others the poore Planters in Virginia

Most humbly shewinge.

That where yo^r Ma^{tie} for the advancement of y^e Plantaçon in Virginia, & encourragment of Aduenturers thither was heretofore most graciously pleased

¹ This letter is cited in List of Records, No. 620, Vol. I, page 188, *ante*. This series of letters may be in No. 627, on the same page.

to pryveledge y^e said Aduenturers from payinge any Custome, or Impost vppon their Tobacc^o C^r vntill the said Plantaçon by Peace became somewhat settled and enabled to returne such duties to yo^r Ma^{ty}: aswell in gratefull acknowledgment of yo^r Ma^{ties}: said favour as in regard of y^e many great ayds and supplies they received from many Collections & Contribuçons flowinge from yo^r Ma^{ties}: like gracious disposiçon towards the good of the said Plantaçon.

Butt now soe itt is that aswell y^e generall State of y^t Plantaçon, as the pticuler of every Planter beinge fallen into a farr worse and poorer estate then they were in former times when yo^r Ma^{tie} spared to demaund those duties. And yo^r Petiçoners ptakinge in the generall Calamitie of famine and scarsitie, sickness, mortallitie and bloody Massacre w^{ch} hath befallen the said Collony, haue pticularly been more neerly pressed then ever, not onely with the now vrginge and Continuall assaulte and surprizes of the incensed enemy wherby they are enforced by one halfe of their men to secure and gaurd the §labour of y^e§ other, butt allsoe by the many Imposiçons and Levies laide and made vppon them towards the support of the Company from whence heretofore they were wont to receive releife. By w^{ch} occasions beinge impoverished if they shalbe compelled to pay yo^r Ma^{ties}: Imposiçon vppon Tobacc^o (made cheap by the great glut of that Comoditie from Spaine and other part) beinge 6^d p pound, and the Custome 3^d p pound (the Customers haueinge abated 3^d) this 9^d wth other incident charges will make the cleered proffitt soe little that out of that (though yo^r Petiçon^{rs}: sole help) itt wilbe impossible for them to raise such supplies of provision as must necessarily be returned thither, much less shall they be any wayes enabled to send such more Company of men and servant^e as they doe otherwise intend for and towards the advancement of the said Plantaçon. [374]

The Petiçoners most humbly therfore pray

That yo^r Ma^{tie} out of yo^r Princely Compassion to the many endurances of yo^r Petiçoners (many of them haueinge been the ruynes of the late Massacre) and most gracious affecçon to the good of that Plantaçon for releife of yo^r Petiçoners and encourragment of them to continue and others to becom Adventurers in the same, Graciously consideringe the premisses and that as greate or greater causes returne for contynuinge of yo^r Ma^{ties} former favour to them, will therfore be graciously pleased.

To abate for the present yo^r Ma^{ties}: Impost of 6^d p pound vppon the Tobacc^o now brought in by the said Planters wherby they intend not to preiudice yo^r Ma^{tie} for the future butt onely to releive and able themselves for the present to returne and settle in their Plantaçons, And by yo^r Ma^{ties}: most gracious takinge yo^r said Planters into yo^r Royall mercie and Protecçon to free them for y^e future from the greivous Imposiçons of the said Company wherby they shalbe better enabled hereafter to render more cheerfully yo^r Ma^{ties}: said Duties: And yo^r petiçoners C^r.

Att the Court att Theobalds 8th Aprill 1624:

His Ma^{tie} beinge verie Compassionate of the miseries and povertie of the Planters (and willinge they should haue releife) is graciously pleased to referr the Consideracon therof to the right Hono^{ble}: the Lord Treasuro^r and M^r Chancello^r of the Exchequor y^t some good order beinge established amongst them they be not soe much opprest by the Company as is alleadged and that they haue such releife concerneinge y^e Impost as they in their wisdomes (weihinge the Petiçoners necessities) shall finde most Conuenient. ~~weihinge~~
Edward Powell.

Whithall the 14th of Aprill 1624:

The matters of this Petiçon doe ptlie concerne the Kings Ma^{tie} and ptlie the Virginia Comp^{ie}: therfore lett this Petiçon be delivered to the Gouernor that hee and the Company may consider therof and returne their answer in writinge for soe much therof as concernes them ~~and wee shall thervpon consider heerof further as concernes them,~~ and wee shall thervpon consider thereof further accordinge to his Ma^{ties}: Commaundement and good pleasure within signified.

Middlesex.

Rich: Weston.

Mr Deputie acquainted the Court that vpon the first Deliverie of this Petiçon to him on ffryday sennight by some of the Planters, hee desyred them that they would sett downe in writinge those greivances and oppressions w^{ch} they mençoned in generall that soe they might haue a ready and full answer Whervpon they p^mised to doe itt, butt the next morninge they came to him and tolde him they had thought vpon the matter and would not deliver the pticulars of their greivances and oppressions butt before the Lo: Treasuro^r to w^{ch} m^r Deputy made answer that hee would acquainte my Lord and the Counsell therwith, and if itt caused any delay in their buisness it was their owne fault, yett afterwards they brought him a certaine writinge (Article wise) conteyninge divers matters butt without any hand vnto itt although in the end they say wee who haue vnderwritt itt will maynteyne itt on our oaths, whervpon hee desyred them to sett their hands to the said writinge that itt was their Complainte: w^{ch} they promised to doe butt afterwards they sent him word, they would not sett their hands to itt: Whervpon the Company not conceivinge itt fitt that a writinge of such a nature should be openly read without a

certaine Autho^r to avowe itt, desyred m^r Deputy and some other of the Counsell to pvse itt, and deliver their opynions whether itt were fitt to be read: W^{ch} beinge done y^e Counsellis opynion was that itt ought not to be read for that itt conteyned Cryminall charges of a verie high Nature and some of them Capitall against the Gouverno^r and Counsell in Virginia; Soe as some very worthy Lawyers affirmed that the psons that had presented itt except they would maynteyne it had incurred the penalty of Lybellers. The Counsell further delivered that of all the Articles (beinge Nyne) there was onely one that gaue any charge to y^e Company [375] here at home all the rest being dyrected solely against the Gouverno^r and Counsell in Virginia wheras their petiçon to his Ma^{tie}: was penned against the Companies greivous oppressions, wherof beinge desyred to deliver the pticulers they had onelie instanced one: By w^{ch} manner of proceedinge the Court conceived this to be a malicious practize of some of their enemies to Defame and disgrace them with his Royall Ma^{ty}: and although some would haue gone about to excuse itt through simplyctie of the Planters that did not soe exactly distinguish y^e Gou⁹ment here and there, butt phaps thought that because the Company hath the Commaund and authoritie of the Gouverno^r there, that therfore the default by them in Virginia might be imputed to the Company here: This excuse gaue noe manner of satisfacōn att all; for itt was answered that the Company here was not any way guilty of their misgoverment, except vppon knowledge therof they had neglected or denied to reforme itt, butt these things were never complayned of.

Butt because itt was reported that there was one of these Articles that touched the Company the Court desyred itt might be read being y^e 8 in number as followeth.

8: Eightly Wheras vppon Complainge made to his Ma^{tie}: of the miserable estate and Condiçon of the Planters in Virginia for want of Corne the last year: It then pleased his Ma^{ty}: in Comiseration of their distressed estate to cause the Company of Virginia to send ouer prouision of Meale for their releife, the saide Company to receaue of them in Virginia for the saide Meale the monny they laide out for the same togeather with the charge of transportacōn wthout any further gaine. Notwithstandinge the saide Order, when the said Prouision came into Virginia in a Ship called the Hopewell the Cape

Marchant m^r Harte appoynted thervnto by the saide Company sould the said Meale Vnto y^e saide ffreemen in Virginia at excessive and vnreasonable rates as Seauenty, or eighty Pounds waight of Tobacco a Hogsheade.

M^r Casewell herevppon (beinge appoynted heretofore by the Aduenturers to buy the Meale) declared that at the time the said Meale was bought it cost 9^s p bushell, w^{ch} with Custome petty charges, and freight made itt i3^s p bushell Soe that a Hogshead Conteyninge 9 bushells came to 5: 17: 00 w^{ch} beinge sould for 80 weight of Tobacc^o valued now here in London by the Customers themselvs att 18^d p pound one with another as by the Customers Certificate vnto the Lord Treasuro^r appears: after ~~the~~ Deduction of the Charge of Custome Impost and freight with allowance of shrinkadge there will scarce remayne vj^d cleare vppon each pound to the owner: But though itt should be solde to cleer j^s w^{ch} was more then any man could hope the 80 pound waight would com to butt 4^{li}: wheras itt cost 5^{li}: 17^s.00^d Soe that a Third of the principall would be lost besides the time and Adventure. Butt m^r Casewell himselfe and divers other principall Adventurers in y^r Magazine did openly make offer to sell their whole Adventures for halfe y^e principall if any man would buy it.

The vniustnes and absurditie of this Complaite of y^e Planters did much greive the Company, that where they deserved thank^e for their Charitie they should be Complayned of for Oppressors, and the falsitie of itt di^d make them suspect that those against the Gouverno^r and Counsell in Virginia were of noe greater trueth for what would they feare to say of them beinge absent and not able to answeare for themselves, when they durst complaine of the Company to the Lo: Treasuro^r of a thinge soe evydently false: Besides those planters present in Court togeather with all others giveinge ample testimoney of y^e worthie proceedings of S^r ffraunces Wyat whome in their Consciencies they p^rfessed to esteeme a most iust and sincere gentleman, and free from all manner [376] of Corruption or pryvate ends: itt was dyrectly Contradictory that hee should be guilty of such oppressions or misdemeano^{rs}. Whervppon the Court demaunding againe of some of the Planters who had brought these greivances beinge then in Court, whether they would avowe and maynteyne them, and itt

beinge denyed by them and namely by one Perie who likewise further confessed that although the last clause was in these words.

Lastly the greiuances aboue mentioned, and other abuses offered to particular Planters by the Gouvernors & Counsell in Virginia, hath caused the Parties whose names are subscribed to these greiuances (and an infinite number of others soe resolued) to quit Virginia and betake themselues to a more pryuate life, w^{ch} wilbe a means to ouerthrowe the Plantaçon there, & abate the benefitt of his Ma^{ty}: Customs here: All w^{ch} greiuances wee or some of Vs can iustifie vppon oath, and haue likewise been desired by our frends in Virginia to prefeer these greiuances to his Royall. Ma^{tie}.

Yett they had noe Comission noe authoritie from the Planters in Virginia to Complaine, butt the Petiçon and greiuances were framed here at home In these regaurds the Company thought to pass itt ouer in favour of the Planters who they pceived had been abused and drawne to this Course by some others.

Butt for the Petiçon ittselfe to his Ma^{ty}: the Court thought fitt that sume Answere should §be§ returned to the Lo: Treasuro^r and m^r Chauncello^r: Whervppō entringe into an examinaçon of the parts therof: They enquyred of the said Perry and others, what Imposiçons they had ever paid to the supporte of the Company, wherof they were not able to alleadge one. Next the said Perry and others beinge Demanded touchinge the Clause of their Petiçon in these words:

Haue perticularly been more neerly pressed then euer, not onely with the now vrginge, and Continuall assault[℥] and surprises of the incensed enimie, whereby they are inforced by one halfe of their men, to secure and guard the Labours of the other, butt allsoe by the many Imposiçons and Leuies laid ||and made|| vppon them towards the support of the Company from whence heretofore they were wont to receive releife.

M^r Iohn fferrar informed the Court that Richard Brewster one of the Petiçoners had told him that this last yeare, wth noe more then three men and himselfe hee had made 2800 waight of Tobacco §besides§ .:100: bushells of Corne. Butt m^r William Capps openly delivered on the fayth of an honest man that with Three boyes onely, w^{ch} hee said were not a man and a halfe hee had made Three Thousand weight of

Tobacc^o and had sould 50 barrells of Corne heaped measure to Cap^t: Whittakers and kept besides that 60: barrells fo^r his owne store, and all this hee had p^ormed by the labour of those three boyes onely him- selfe haveing never done (as hee termed itt) one stroake of worke: Vppō w^{ch} Reports and divers other the like, the Company conceived that insinuaçon of soe much daunger and disquyett from y^e Salvadges was extended farr beyound trueth.

Next they tooke into their Consideraçon an other clause in the said Peticon in these words.

But now for it is that as well the generall state of the Plantaçon as the particular of euery Planter beinge fallen into a farr worse and poorer estate than they were in former times, when yo^r Ma^{tie} spared to demaund those duties: [377]

W^{ch} the Courte Conceived to be one of the most vntrue and iniurious suggestions in all poyntē that could be devysed, the Collony notwithstanding all these Calamities of late in number of people multitude of houses and Plantations aboundance of Cattle and provisions, tenn times exceedinge the generall estate of those former times w^{ch} they spake of, and aboue five times better, then itt was left by S^r Thomas Smith, and S^r Samuell Argall, and for the estate of pticular Planters itt was by many pticulars instanced, that divers pryvate Planters had this yeare for themselvs brought home more goods and to a greater value then the wholl Collony and Plantaçon did then returne.

M^r Deputy moved y^t for as much as S^r ffrancis Wyatē Comission of beinge Gouvernor of Virginia would shortly expire, and that hee was willinge as appeared by his owne letter to resigne that place to some more able man. The Company would therefore please to bethinke themselvs against the next Quarter Court, either of Contynuinge the present Gouverno^r, or of choosinge a new to succeed in his place. Touchinge w^{ch} the Court conceived they had time ennough to resolve between this and the Quarter Court.

This present Court by a generall erecçon of hands is ordered to continue after 6: of the Clocke duringe pleasure.

M^r Deputy acquainted the Court that the Counsell of Virginia vppon y^e Companies earnest and importunate sollycitaçons had drawne vpp a Petičon to be presented to the Parlyament, w^{ch} beinge read was as followeth.

To the Hono^{ble} house of Cōmons assembled in Parlyament
The humble Petičon of the Treasuro^r, Counsell & Company of Virginia.

Shewinge: That after divers Discoveries had confirmed an opyneon, that y^e Country (now Virginia) was scituate in a temperate wholesome Clymate, and that the Soyle was exceedinge fertell, the Parts watred with fruitfull, and Nauigable Riuers, wherby our men and Shippinge through a fair Sea might haue a Comfortable fallinge on a saffe Choast; It pleased God to affect the myndes of many worthily disposed Noblemen and Gentlemen and others to vnderstand itt a matter of great Religion and honour to endeavour the propaginge of Christianitye amongst those Barbarous People and gaine such a hopefull addičon of Dominion to his Ma^{tie}: most deserving the highest honour of such an Enterprize: who beinge informed therof and apprehendinge the great honour and Comoditie might arrise to this State, by pfectinge a Christian Plantaçon in those partes. Itt pleased his Ma^{tie}: by his most gracious Letters Patents of Incorporation (from tyme to time renued & enlarged) to conferr as ample pryviledges and immunities both for their Assistance, who should become Directors, or Gouverno^{rs} in the buissines; and for their comforte, who should be willinge to settle and inhabite in Virginia as could then be foreseen or desyred: w^{ch} gaue so generall an encouragement, that Noblemen, Knights, Gentlemen Cittizens and others in great numbers, originally named in the seuerall Letters Patents became Aduenturors, who besides their monneys gaue many folde helpes with Industry to advance the pfectō of this glorious worke. And notwthstandinge a multitude of Accident^l and disasters incydent to a new Plantaçon in a remote and Sauadge Country: It pleased God to refresh their hopes by such an vndoubted probabilitie of attayninge (at least for the publike of their Country and Posteritie) a most beneficall Retribuçon for all their expence and paynes, as in the end might Crowne their endeavo^{rs} with as much Glorie, Honour, & Proffitt to this Kingdome as could be wished or expected haueinge in their Contemplaçon the ground^e followinge. [378]

1. The Conversion of Saluages to Christianitye and establishinge the first Plantaçon of the reformed Religion.

2 The removeinge of the Surcharge of necessitous people, the matter or fewell of daungerous insurrections, and therby leauinge the greater plentie to susteyne those remayninge within this Land.

3 The largnes of Territory knowne greate, may prove much greater, the fertilitie of the Soyle and temperature of the Clyme chearishinge our people and produceinge by nature and industrie, what soever vsefull Commodities are found in any knowne Country.

4 The beneficiall ffishings discovered w^{ch} togeather wth the continuall enter-cou^rse betweene People of one and the same Nation is an exceedinge encrease of Nauigaçon.

5 The multitudes and quantities of materiall^e for the buildinge & settinge forth of Shippinge beinge there in p^rfecçon especially excellent Timber wherof great scarcitie is found throughout Christendome.

6 The assurance of many rich Trades that by a Plantaçon settled in those pts might be found out and dryven to the incredible benefitt of this Kingdome, besides noe small hopes of an easy and short passadge to the South Sea, either by Land or Sea.

7 An inestimable advantadge, that would be gayned to this state of England in case of Warr both for the easie assaultinge of the Spanyards West Indies, from those parts, and for the relievinge and succouringe of all Shippes and men of Warr that should goe on Reprysalls, there beinge none of those daungers or discomodities whatsoever that in former times ouerthrew soe many Voyadges butt wilbe by the Plantaçons of Virginia and Summer Islands supplied and prevented; Soe that our benefitt and the enemies harme and loss wilbe certaine.

Butt soe itt is that now when the naturall difficulties incydent to all new Plantaçons are by tract of time and good dilligence, & especially by the blessinge of Almighty God in great part overcom: Yett on the other side the vnnaturall and faultie impedymen^te arysinge by ffaction and discord, runinge courses and practizes of some tendinge wholly to pryvate proffitt, misimployment of the Stocke, false Accompt^e and the like diversions from the faire hopes in the Action are soe encreased and vpheld by strong hand as doth threaten speedy ruyne and destrucçon to this excellent worke of God and his Ma^{ty}: if remedies be not timely applyed.

Wee therefore the Counsell and Company (not a little differinge from other Companies both in our Composiçon consistinge of principall Noblemen, Gentlemen, merchants and others, and in the ends for w^{ch} it is established beinge not simply matter of Trade, butt of a higher Nature, yett findinge nevertheless our selvs in our body as itt is now distempered vnable to be our owne Phisiçans without higher Assistance) doe thinke our selvs tyed in Conscience, Duty & reputaçon and for the deliverance of our owne soules, and for dischardg of

the trust reposed in vs to represent to this present Parlyament, this Childe of the Kingdome exposed as in the Wilderness to extreame daunger and as itt were fayntinge and labouringe for life.

Humbly entreatinge this Hono^{ble} house to take into yo^r Comisseraçon this Distressed Collony and oppressed Company and to be pleased to receive from such of his Ma^{ties} Councell for Virginia (beinge members of yo^r Hono^{ble} house) as haue been appoynted by vs the Company a full relaçon of those oppressions and greivances w^{ch} though in sundry kindes (haue as they doubt not to make evydent) had either their originall [379] or strength from the now Lord Treasuro^r out of his pryvate and most vniust ends, not onely to allmost the vtter ouerthrow of this noble worke butt allsoe to the Deceipt of his Ma^{ty}: in his proffitt and to the great preiudice of the wholl kingdome in matter of Trade, and daungerous consequence to the liberty of their psons. And thervppon accordinge to yo^r most graue wisdomes to devise some remedy for removinge of the impediment^e, repressinge of the abuses encourradginge Adventurers and fynally for the establishment of the Collony.

W^{ch} beinge twice read after some pause the Company were desyred to speake freely to itt, and declare their opyneons whether they did approve therof as itt was, or would haue itt amended in any parte, or any thinge added therevnto: Wheryppon allthough some tooke excepçons to some pticulers therin, yett after ~~great~~ ||exact|| Debate and Consideraçon it was agreed and concluded by a generall erection of hands (onely one dissenting) that the Petiçon should stand as itt was drawn. And the Court entreated m^r Deputy and those other of the Counsell that are allsoe members of the Hono^{ble} House of Parlyament would please in the Companies name to p^rsent the said Petiçon to the house of Commons and to prosecute the matters therin conteyned with all expediçon.¹

¹The letter of the King to the Speaker of the House of Commons on this petition is mentioned in List of Records, No. 665, Vol. I, page 193, *ante*.

A PREPARATIVE COURTE HELDE FOR VIRGINIA ON MUNDAY
IN THE AFTERNOONE Y^e: 26: OF APRILL—1624.

PRESENT

S ^r Iohn Dauers.	m ^r Ryder.	m ^r Norwood.
S ^r Roger Twisden.	m ^r Newporte.	m ^r Sparrowe.
m ^r Deputie.	m ^r Boothbie.	m ^r Cranmer.
m ^r Iohn fferrar.	m ^r Sheldone.	m ^r Huddlestone.
m ^r Shepparde.	m ^r Barbor.	m ^r Taylor.
m ^r Bland.	m ^r Casewell.	m ^r Perrie.
m ^r Palivicine.	Marma: Reynor.	m ^r Cuffe.
m ^r Copelande.	m ^r Georg Smith.	m ^r Woodall.
m ^r Bearblock.		
	m ^r ffothergall.	
	m ^r Andrews.	
	m ^r Pennistone.	
	m ^r Mole.	
	m ^r Ayres.	
	m ^r Stone. w th	
	Divers others.	

Wheras Vrsula ffrench Petiçoned the Company for the freedome of one Elias Longe her Apprentize in regaurd hee had served out 4 years of his time and was noe waies able (as shee was informed) to pay her out of his wages that Proporçon of Tobacco towards her mayntenance as was formerly ordered, nor likely duringe his service to give her any releife: The Court in Consideraçon of her povertie orders her case should be recommended to the Gouverno^r and Counsell of Virginia soe as some means might be found to give her releife speedilie.

The Court vppoñ Moçon ordered a Comission to be drawn vpp for Marmaduke Reynor for his Shipp the Sampson of about 100: Tunn for transport of goodē and Passengers to Virginia.

M^r Deputy acquainted the Court that Wheras m^r Iames Bagge of Plymouth had 5 shares given him by a Quarter Court the 25th of Iune—1620 as a gratificacon for that good service hee had done for the Company as appeares [380] in that Court: hee desyred hee might haue the said Shares confirmed vnto him vnder the Companies Seale. W^{ch} request the Court held very reasonable and ordered a draught therof to be made against the Quarter Corte as had been §for§ others in the like kinde.

M^r Deputy moved that wheras S^r ffrances Wyat^t Comission of Gouverno^rpp of Virginia expired verie shortly, and that himselfe as appeared by his owne letter was willinge to resigne his place to some more wor-thie person The Company would therefore take a bethinkinge against the next Quarter Court for proposinge some other fitt man to succeed him: Whervvpon divers of the Company declared their opynions that seeings S^r ffrancis Wyatt had carryed himselfe soe worthylie in the place of Gouverno^r as appeared by the Report of the Planters themselves now present in Court much commendinge him for his Iustice and æquanimitie toward^t all men. And consideringe allso how much the Company are in his Debt and noe means lefte to make good their promise vnto him, much lesse able to furnish out a new Gouverno^r, they could not therefore doe better then continue him still; whervvpon the Court generally agreed to reco^mend itt to the further Consideracon of the Quarter Court.

M^r Deputy signified that beinge desired by the former Court to p^rsent the Companys Peti^{ti}on to the Lower house of Parlyament, hee had this morninge (for before hee could not) preferred itt. Wherat there was at first some opposi^{ti}on made; but the house was pleased notwthstanding to entertaine itt verie acceptably, and haue appoynted a select Co^mittee to hear itt, who are to meet in the Starr Chamber vppon the next Wednesday in the afternoone, wher all of the Company that are members of the Parlyament are admitted freely to com and heare butt not to haue voyce.

And now for soe much as this meetinge fell out vppon the Quarter Court day in the afternoone wher the Lord Cavendish himselfe and

divers others of the Company were there to give their attendance vppon the said Co[m]mittee. And for that allsoe the Earle of Southamp-tō their Treasurer was himselfe out of Towne, they were of neces-sitie to alter and transferr the vsuall time of keepinge their Court that day, from the afternoone to the forenoone Whervppon the Let-ters Patents beinge pvsed itt playnly appeared itt was free for them soe to doe, and although by their owne Lawe they had appoynted their Court℄ to begin at two in the afternoone yett vppon soe greate and vnavoydable necessitie as now fell out itt was conceived the Com-pany had power to dispence wth that Law. [381]

And itt was further offered to the Considera[ti]on of the Court that wheras the Earle of Southampton had been Treasurer now almost 4 years, itt was against the Lawe of the Company to choose him againe, and yett the necessitie and occasion of the Company were such as noe other fitt choyse could be made; Whervppon y^e Court thought fitt to be humble suters to his Lo^p: that out of that extraordinary Noble Zeale w^{ch} hee had with soe much trouble and paynes Demonstrated, hee would be pleased ~~be pleased~~ once againe to accept of the place of Treasuro^r and for removeinge the Obstacle that was by the Com-panies Lawe, itt was thought fitt to suspend the force of that Lawe for this time; Whervppon y^e Courte beinge acquainted that for the abrogatinge or suspension of a Lawe itt was to be done by the same stepps and ||degrees|| as itt was made, did first appoynt a Co[m]mittee to advise about the suspen[si]on of those Lawes for the present, for w^{ch} purpose these were nominated. (vizt)

m^r Iohn fferrar
m^r Whitley
m^r Pallavicine
m^r Casewell
m^r Barbor

m^r Cranmer
m^r Ryder
m^r Copeland
m^r Cuffe

who withdrawinge themselvs out of the Court and haueinge deliberated thereon came and declared their opynions to those of the Counsell that were present who concurringe with them, and afterward the Court likewise, Itt was generally conceived very necessary and expedient

(rebus sic stantibus) that those Lawes for begininge Court℥ att .2. of the Clock in the afternoone and for lymittinge the Treasurer but for 3 years att once should be suspended for the present.

S^r Thomas Hamon brought to the Court one Sydrac Soan, and Martha his sister who made claime vnto 3 shares due vnto their Brother Ioseph Soan deceased by a bill of Aduenture of 37^{li}: 10: 00 paid vnto S^r Thomas Smith w^{ch} they say Ioseph Soane did devize by his will vnto one Ganesford Soane and the ||s^d|| Sydrack and Martha: w^{ch} Gainsford they certefie to be dead: So that the right now did wholly belong to them two. They aliso presented the Coppie of the said Will w^{ch} S^r Thomas Hamon testified to be a true Coppie, Butt the Court beinge desyrous to see the bill of Aduenture, because there appeared butt 25^{li} of itt acknowledged in the printed booke: Sydrack made answere hee had pawned the said bill for 30^s to m^r ffotherby.

The Court at length ordered that the said Three shares should be ioyntly passed vnto the said Sydrack and Martha as beinge ioynt and Coheirs to y^e said Inheritance.

M^r Webb haueinge testefyed to the Court that m^r Garrett Weston transported to Virginia att his owne charge his brother * * * * §ffrauncis§ Weston and three servants (vizt) William Dansey, Robert Miller, and Iames Bradford, The Court ordered that hee should haue the proporcion of 200 Acres allowed him for their psonall shares.

There was brought to the Court an Indian Boy by one William Perry lately come ouer from Virginia, for whome a mocon was made for some Contribucon toward℥ his mayntenance, wherby to bring him vp in Christianitie and some good course to live by. Whervppon itt was thought fitt a Role be drawne for men to vnderwrite what they please freely to contribute that way. [382]

M^r Richard Casewell made knowne to the Court that wheras Cap^t Iohn Bernard deceased had sould to m^r Georg ffurzman three old Shares of 12^{li}: 10^s: 00 p share and likewise supplied them in Martins Hundred to the value of tenn pounds p share Itt appeared afterwards to the Audito^{rs} that two of the said Shares were y^e Inheritance of the heirs of mr Iohn Iames deceased, whose wife although Captaine Ber-

nard had married yett hee could not therby alyenate those two shares from the aforesaid heirs: Wherefore to supply and make good againe, the full number of Shares that Captaine Bernard had assigned vnto the said George ffurzman m^r Casewell declared that att the request of Cap^t: Bernard^e Executo^{rs} hee had assigned and past ouer to the said George ffurzman and his heirs for ever two Shares old Adventure of 12^{li}: 10^s p share, And therfore desyred the Court to ratifie and confirme vnto the said George ffurzman as well the two shares hee had assigned and passed ouer vnto him as that other Share w^{ch} Captaine Bernard had sold him formerlie, and the Thirty pound^e supplied by Captaine Bernarde as aforesaid. So the Court takinge itt into their Considera-
 cō haue accordinglie ratified and confirmed the said Three shares vnto m^r George ffurzman and admitted him to be a ffreeman of the Company: And haue allso agreed and ordered that the said three shares shalbe the same, w^{ch} Captaine Io: Bernard in his life time drewe by lott in Martins Hundred as they are laid out and figured vnder his name in the Generall Mapp of y^e said Society.

ATT A QUARTER COURT HELDE FOR VIRGINIA ON WEDNESDAY
 IN THE fforenoone THE 28: OF APRILL — 1624

PRESENT

the Right Honob^{le}

Lord Cauendish.	S ^r Iohn Brooke.
Lo: De Lawarr.	S ^r Iohn Treuor.
S ^r Edwin Sandis.	S ^r Iohn Bouchier.
S ^r Iohn Dauers.	S ^r Charles Barkley.
S ^r Iohn Oagle.	S ^r Lawrence Hide.

m ^r Deputie.	m ^r Ditchfeilde.	m ^r Wentworth.
m ^r Nich: Hide.	m ^r Scott.	m ^r Buckridge.
m ^r Winkfelde.	m ^r Wite.	m ^r Morris.
m ^r Iohn Smith.	m ^r Whitley.	m ^r ffurzman.
m ^r Iohn fferrar.	m ^r Robert ^e .	m ^r Meuerell.
m ^r Purcas.	m ^r Caswell.	m ^r Taylor.

m ^r Bland.	m ^r Keightley.	m ^r Collett.
m ^r Bearblock.	m ^r ffogg.	m ^r Webb.
m ^r Brooke.	m ^r Copeland.	m ^r ffellgate.
m ^r Hobbs.	m ^r ffreake.	m ^r Webb.
Do ^r Gulstone.	m ^r m ^r Stone.	m ^r Webbs.
Cap ^t Bargraue.	m ^r Wheate.	m ^r Hacket.
m ^r Moorwood.	m ^r Ayscough.	m ^r Ryder.
m ^r Woodall.	m ^r Maisterson.	m ^r Wiseman.
m ^r Anth: Gates.	m ^r Iefferson.	m ^r Garrett Weston.
m ^r Newport.	m ^r ffletcher.	m ^r Wodnoth.
m ^r Barkley.	m ^r Vyner.	m ^r Norwood.
m ^r Alden.	m ^r Perry.	m ^r Brester.
m ^r Sparrow.	m ^r Swinhowe.	m ^r Hildred.
m ^r Tucker.		Cap ^t Gefford.
		m ^r Walker.
	m ^r Berkeley.	
	m ^r Walter.	
	m ^r Andrews.	
	m ^r Bagell.	
	m ^r Boothbie.	
	m ^r Hurd.	
	m ^r Bennett.	
	m ^r Russell.	
	m ^r Waterhouse.	
	m ^r Bonnell.	
	m ^r Stubbs.	
	m ^r Careles.	
	m ^r Elias Robert ^e .	
	m ^r Rogers.	
	m ^r Sharrowe.	
	m ^r Barkham.	
	m ^r Martin.	
	m ^r De Lawne.	
	m ^r Scudamore.	
	m ^r Colthurst.	
	m ^r Trueloue.	
	w th divers others.	[383]

M^r Deputy made knowne to the Company what reasons moved the last Court vppon Consultaçon first had by a Co^mittee then appoynted, and after wth y^e Counsell then allso present to order and appoynt the keepinge of the Quarter Court this day in the forenoone: w^{ch} course and alteraçon was well approved of by this present Court.

And in regard the Court was now accordinge to the dyrecçon of y^e Letters Patents to proceed to elecçon of new Officers. m^r Deputy breifley related the reasons y^t had formerly moved them to continew their old Officers ever since the Quarter Court in May—1622. And for their better sattisfacçon read vnto them the seu⁹all passages in the seuerall Quarter Court[℥] since touchinge that matter.

And further signified that wheras the Company had made a Lawe for lymittinge the Treasurer and Deputy to continue in their places but for 3 years at once the said Law had allso been taken into consideraçon by the former Co^mittee Counsell and Court, who conceavinge noe detryment could ensue to the Company by dispençeinge with that Lawe for the present, but rather a singuler benefitt and advantadge vnto them as things now stood, did therfore thinke fitt to suspend y^e Lawe allsoe for the present by leavinge itt free for the Company to make choise of any former Officers although their times were determyned.

Whervppon itt beinge taken into Consideraçon by this present Court, after all reasons heard and debated, itt was at length agreed and ordered by a generall erection of hands that the Lawe concerninge the lymittinge of the Office of Treasuro^r and Deputy to the terme of 3 years should be suspended and accordingly resolvinge to goe to Elecçon, the Earle of Southampton was generally and vnanimously nominated and beinge putt in Election with the Right Hono^{ble} the Lord Cauendish, the place fell to the Earle of Southampton by haueinge 69 balls, the Lord Cauendish: fve and the Negative box. 2. whervppon y^e Court besought the Lo: Cauendish and the rest of the Counsell present to acquainte his Lo^p: with this choyce and how humbly and instantly the Court besought his Lo^p: to accept therof.

ffor Deputy m^r Alderman Iohnson and m^r Nicholas fferrar beinge proposed and ballated, the place fell to m^r fferrar by haueinge 64 balls m^r Alderman 10. and the negative box: 1. Whervppon m^r fferrar beinge brought to his place tooke his Oath.

Proceedinge next to the choyse of the Audito^{rs}, the Court by a generall rection of hands continued of the old, S^r Edwin Sandis, and S^r Iohn Dauers in respect of their sufficiencie and long experience in matters of Accompts with promise allso (vppon their request) that they should be no other wayes tyed herevnto then as their owne occasions would permitt. The Court likewise contynued m^r Iohn fferrar and m^r Keightley, and in regard m^r Gibbes and m^r Iohn Wroth had long discontinued from cominge to Court^e, there were chosen in their steed m^r Bland and m^r Scott.

Proceedinge next to the choyse { m^r Bearblock. m^r Darnelly
of Co^mittees these five of the old { m^r Bland.
were dismissed namely { m^r Wheatley m^r Mellinge [384]

and in their steeds these five new were chosen (vizt)

1. m ^r Roberts.	} vnto whome were added	6. m ^r Bull.	11. m ^r Boothbie.
2. m ^r Morris.		7. m ^r Casewell.	12. m ^r Bennett.
3. m ^r Ryder.		8. m ^r Georg Smith.	13. m ^r Biddolph.
4. m ^r ffelgate.		9. m ^r Wiseman.	14. m ^r Seaward.
5. m ^r Kirbie.		10. m ^r Meuerell.	15. m ^r Barbor.
			16. m ^r Covell.

ffor Secretary—Edward Collingwood	} were chosen by a generall erec ^c ion of hands.
ffor Husband—m ^r W ^m Webb	
ffor Beadle—Thomas Newton	

The last Court beinge made acquainted by m^r Deputy wth that notice that S^r ffrauncis Wyatt had given by his owne letter of the time of the determinac^on of his Co^mission of Gouvernors^hip of Virginia and of his willinge desire to leaue that waightie burthen to some other more able person if the Company soe pleased.

And beinge further informed allsoe by the Planters then present in Court howe much hee was Co^mended for his Iustice and æquanimitie

towards all men who generally professed his Noble carriage was such as hee well deserued to be contynued in the place of Gouverno^r and to haue a iust recompence for those great losses hee had susteyned through want of his due number of Tenant^ℓ and otherwise since his goinge over. The Company beinge thus confirmed in their good opynion of him and withall consideringe they had no Stocke att all lefte to furnish out a new Gouvernor conceived they were of necessity inforced to continue him still, and therfore thought fitt to propound him at this Quarter Court to stand in Elec^con for the said place.

Whervvpon S^r ffraunces Wyat beinge proposed by the Court, and some earnestlie moveinge that S^r Samuell Argall (in regard of his worth and desire therevnto) might stand in Elec^con with him they were both ballated and the place fell to S^r ffrauncis Wyat by haueinge 69 Balls, S^r Samuell Argall 8 and y^e Negative box 2.

And itt was likewise further ordered that a lre should be writt vnto him to pray his acceptance of the said place for 3 years longer, and further to assure him that the Company would be verie carefull to giue him a due Supply of Tenant^ℓ in discharge of their promise and Covenant^ℓ wth him att his first goinge ouer.

The Court was moved that wheras in the generall narra^con that was this afternoone to be made before the Co^mittee of the lower house of Parlyament there would fall out divers passages touchinge S^r Nathaniell Rich who beinge a member of that house itt was not fitt to charge him without leave first obteyned. Therfore that the Company would please to peti^con the house, that hee might be ordered to be present at the said Co^mittee and here such charges as should be given him. w^{ch} course beinge well liked of by the Court and a peti^con to that effect presented: itt was twise read and maturelie considered of: and beinge approved was by a generall erec^con of hands (two onely dissentinge) ordered to be presented to the house in the name of the Company: And that if itt should com there too late, then to present itt to the Co^mittee in the afternoone. [385]

Request beinge made by some that S^r Nathaniell Rich might haue a Coppie of y^e said Petiçon Itt was by a generall erection of hands (saue two) denyed itt beinge the Custome of noe Court whatsoever.

The Court takinge into Consideraçon that the matters to be delivered to the Parlyament did fall vnder fower generall heads (vizt) the Matter of Tobacco and all the greivances therin: The buisines of the Contract, The proceedings of the Comissioners and the passadges since, and conceivinge that neither Counsell att Lawe could be soe fully informed as were requisite, and phapps would not be soe well heard, did therefore thinke fitt to beseech the Lord Cauendish S^r Edwin Sandis and S^r Iohn Dauers to take vppon them the delivery of the three last part℄, (vizt) The Lord Cauendish the buisines of the Comission, S^r Edwin Sandys that of the Contract, and S^r Iohn Dauers the last: And for y^e matter of Tobacc^o they imposed itt vppon m^r Deputy. His Lo^p: very Nobly vouchsaffed to promise his pformance of their desires, and the like did the other of their part℄.

The Court beinge moved that some course might be taken for the Educaçon and bringinge vpp of the Indian boy that was lately brought ouer from Virginia by one William Perry, did thervvpon entreate m^r Copeland a Mynister to take him into his care and charge: And did promise hee should haue allowance for his entertaynement.

The Graunt of fīue shares vnto m^r Iames Bagg of Plymouth beinge ordered by the last Court to be drawn vpp was now presented and read and beinge approved was ordered to be sealled.

M^r Casewell moved the Court that the two shares w^{ch} hee had passed to m^r ffurzman att the last Court as likewise one other share sold him by Cap^t Bernard, might be the same Three shares that Captaine Bernard drew in his life time in Martins Hundred as they are figured out in the generall Mapp of y^t Societie w^{ch} request the Court condiscended vnto and ratified and confirmed the said 3 shares in Martins Hundred accordingly vnto m^r ffurzman.

A PREPARATIVE COORTE ON MUNDAY IN THE AFTERNOONE THE 7TH
OF IVNE 1624:

PRESENT

the right Hono^{ble}.

Edward Earle of Dorsett.
William Lord Cauendish.

S^r Edwin Sandis.
m^r Rawleigh.

m^r Deputy.
m^r Io: fferrar.
m^r Neuell.
m^r Sandys.
m^r Sheppard.
m^r Bland.
m^r D^r: Anthony.
m^r Palaucine.
Cap^t Bargraue.
m^r Casewell.

m^r Hobbs.
m^r Gookin.
m^r Widdowes.
m^r Webb.
m^r Newport.
m^r Shelton.
m^r Iadwin.
m^r Hopkins.
m^r Copeland.

m^r Balmford.
m^r Georg Smith.
m^r Baynham.
m^r Molins.
m^r Cranmer.
m^r Bull.
m^r May.
m^r Collet.
m^r Capps.

m^r Lee.
m^r ffothergell.
m^r Norwood.
Marma: Reyno^r.
m^r Cuffe.
m^r Nicholls.
m^r Ditchfeilde.
m^r Ewens.
m^r Woodall ||wth diuers others||.

The Court of the 21th of Aprill was now read and after some pause and noe [386] exception taken therto, beinge putt to the Question itt was by a generall erec^{con} of hands approved to be rightly sett downe.

M^r Deputy acquainted the Court that although the generall buisness of the Company preferred in their Petiçon had not pceeded in Parlyament, yett the p^ticuler of Tobacc^o by the exceedinge greate care and wisdom of S^r Edwin Sandys assisted with the Lord Cauendish and other worthy members of the Company had a verie happie issue. The Importaçon of fforraigne Tobacc^o wherin Spanish was included beinge presented to his Ma^{tie}: as one of the nyne greivances of the Realme in the matter of Trade wherin the House humbly besought releife and that for the good of England without any Mençon or relation to Virginia in their Petiçon,—although hee said hee Doubted not but in their heart^e the wholl House had a very speciall regaurd to the advancement of the Plantaçons. And as this course was in itt selfe as effectuall as if itt had been done by bill to obteyne y^e excluding of Spanish Tobacco, soe itt was much better then if itt had been done by the bill w^{ch} was Drawen the last Parlyament, since w^{ch} time the state & price of Tobacc^o was soe much altered as itt could noe way now beare that charge of 12^d p pound w^{ch} that bill laide on itt butt therby the Comoditie would haue been as certainly ruyned and ouerthrowen as any otherwise.

In w^{ch} regard m^r Deputy professed that neither himselfe nor divers others could with any good courage sett forward^e that course of the bill. But this second way bringinge with itt all the good of the bill, and leavinge out the evill therof hee thought it could not bee too much commended nor S^r Edwin Sandis (to whome the Company was beholdinge therefore) sufficiently thanked.¹

The Court rested much sattisfied in this matter, and full of good hope that itt would com to a good end. Butt beinge informed that those seuerall parties who in other kindes were to receave benefitt from the redress of the other head^e of greivances had seconded the House wth their p^ticuler Petiçons to his Ma^{tie}: The Court thought itt very necessary and fitt that the Company should doe the like and soe much the rather in regard that the House of Commons haveinge onelie Petiçoned for the generall good of Trade wthout refference to Virginia the

¹ Among the Ferrar Papers, Magdalene College, Cambridge, are several drafts of acts and petitions on trade in the writing of Nicholas Ferrar, and nearly of this date. See also List of Records, Nos. 667-670, 672, 676, and 677, Vol. I, pages 193, 194, *ante*.

addiçon ||of|| so weightie, and mayne, a consideraçon as the vpholdinge & aduancem^t of the Plantaçons would in all probabilitie much sett forward the Execution and pformance therof: Whervppon itt was ordered that a Peticon should be drawen to his Ma^{tie}: to be presented from the Quarter Court, pursuinge the effect of that w^{ch} the House of Commons had delivered with the Addiçon of what pticularly concerned the Plantaçons. And further itt was ordered that their Lo^{ps}: promise vppon dissoluçon of the Contract (that the Plantaçons onely should haue the Importaçon of Tobacco) should be mençoned: w^{ch} their Lo^{ps} by their order bearinge date the 28 of Aprill 1623 did commaund should be signified to the Colony §as§ haveing been most graciously graunted by his Ma^{ty}: vppon their Lo^{ps} Moçon.

ffor the drawinge vpp of this Petiçon the Court appoynted m^r Deputy, m^r Casewell, m^r George Smith, and further intreated S^r Edwin Sandys to give them his help therin.

M^r Deputy acquainted the Company hee received late notice of Three Shipps newly arryved from Virginia w^{ch} had made a very speedy passage and hadd brought good news from thence (viz) that the people were all in health and the Colloney well stored with Corne and other provisions.

Hee likewise made knowne how much S^r ffraunces Wyat was Comended for [387] his good service and noble Carriage of himselfe in his Government. And moved that seeings the Company had againe chosen him for Gouverno^r for 3 years longer they would also consider how to supply him for the time to com with his iust number of Tenant℥ and to recompence him for the losse hee hath susteyned therby.

W^{ch} beinge taken into Consideraçon itt was held both iust & reasonable that the Company should make good their Contract with him. And thervppō by a generall erecçon of hands agreed and ordered that signification should be given vnto him of his reelection. And in respect the Company wanted means to send over more men vnto him hee should be supplied with his full number out of the Companies Tenants there; And for to recompence his former losses itt was referred to the Consideraçon of the Quarter Courte.

Vppon the like moõon and request in the behalfe of m^r George Sandis Treasuro^r, It was agreed and ordered by a generall erecõon of hands (onely one dissentinge) that those men w^{ch} the Company had promised to send him, but wanted means to make itt good, should be now likewise supplied out of the Companies Tenants.

M^r Bull Treasuro^r for the old Magazine moved that wheras m^r Alderman Iohnson hath fflower Hundred and odd pound℥ remayninge in his hands long since due to the Magazine Adventurers whose Accompt in respect of some differrences was referred to m^r Alderman Hammersley and m^r Wither to examine and arbytrate: that for soe much as m^r Withers was gone beyound Sea they would now therfore appoynt some other in his steed: and the rather for that m^r Alderman Iohnson is tyed to give an Accompt before August next. This was referred to the Quarter Court to consider of.

Memorand.

That wee Edward Collingwood Secretary of the Company for Virginia, and Thomas Collett of the Middle Temple Gentleman haue pervsd compared and examined this present booke begininge att Page: 1^o att a Preparatiue Court held for Virginia the 20th of May: 1622 and endinge att this present Page—387 at a Preparatiue Court held the 7th of Ivne 1624 And wee doe finde that this Coppie doth perfectlie agree wth the Originall booke℥ of Court belonginge to the Company in all things, saue that in Page—371: the Graunt of 800 Acres to m^r Maurice Berkley is not entred and saue that in Page 358 wee wanted the Lords letter to m^r Deputy fferrar, soe that wee could not compare itt, and likewise saueinge that in Page 348 wee wanted the Gouvernor and Counsells Letter from Virginia, soe that wee could §not§ compare itt; in w^{ch} respect I Edward Collingwood haue not sett my hand to those Three Pages, butt to all the rest I haue sett my hand seuerally to each in confirmaõon that they agree truely with the Originalls, And in wittness, and Confirmaõon that this booke is a true Coppy of the Virginia Court℥: Wee haue herevnder ioyntly sett our hands the 19th day of Ivne—1624.

Thomas Collett.
Edward Collingwood Secrẽ.

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